S. HRG. 98-1143

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

H.R. 5899

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AND FOR OTHER PURPOSES

DEPARTMENT OF CORRECTIONS
BOARD OF PAROLE
NONDEPARTMENTAL WITNESSES
COURT SYSTEM
OFFICE OF THE MAYOR
COUNCIL OF THE DISTRICT OF COLUMBIA
BOARD OF EDUCATION
ANDREI SAKHAROV AVENUE

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE
31-583 O WASHINGTON : 1984

S181-16

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

ARLEN SPECTER, Pennsylvania, *Chairman*

MACK MATTINGLY, Georgia	PATRICK J. LEAHY, Vermont
PETE V. DOMENICI, New Mexico	DALE BUMPERS, Arkansas
MARK O. HATFIELD, Oregon *ex officio*	JOHN C. STENNIS, Mississippi *ex officio*

Professional Staff

B. TIMOTHY LEETH

LULA JOYCE

JAMES M. CUBIE (Minority)

CONTENTS

DISTRICT OF COLUMBIA

WEDNESDAY, FEBRUARY 29, 1984

Page

Department of Corrections 1

WEDNESDAY, MARCH 7, 1984

Board of Parole 23

TUESDAY, MARCH 27, 1984

Board of Parole 53
Office of the U.S. Attorney 68
Office of the Mayor 73

WEDNESDAY, MAY 9, 1984

Department of Corrections 83

WEDNESDAY, MAY 23, 1984

Nondepartmental witnesses 103

TUESDAY, JUNE 12, 1984

Court of Appeals 231
Superior Court 264

WEDNESDAY, JUNE 13, 1984

Office of the Mayor 285

WEDNESDAY, JUNE 20, 1984

Congressional witnesses 325
Board of Education 336
Metropolitan Police Department Youth Division 355

WEDNESDAY, JULY 25, 1984

Andrei Sakharov Avenue:

  Congressional witness 371
  Office of Intergovernmental Relations 373
  Congressional witness 376
  Council of the District of Columbia 386
  Nondepartmental witnesses 393
  U.S. Department of State 399

THURSDAY, JULY 26, 1984

Board of Parole 407
Submitted questions 423

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, FEBRUARY 29, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:05 a.m. in room SD–124, Dirksen Senate Office Building, Hon Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

STATEMENTS OF:

HON. MARION S. BARRY, JR., MAYOR, DISTRICT OF COLUMBIA
JAMES PALMER, DIRECTOR, DEPARTMENT OF CORRECTIONS

ACCOMPANIED BY:

GLADYS MACK, DIRECTOR, OFFICE OF POLICY AND PROGRAM EVALUATION
WILLIAM D. GOLIGHTLY, ASSISTANT DIRECTOR FOR ADMINISTRATION
DR. OSA COFFEY, CORRECTIONAL EDUCATION ASSOCIATION

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen.

We will begin this hearing of the District of Columbia Subcommittee of the Committee on Appropriations.

The purpose of this hearing is in the nature of oversight on the appropriation of some $22 million in the fiscal year 1984 budget to provide for certain expansion of the correctional facilities in the District of Columbia and provide for certain programs on rehabilitation with a view to avoiding the all too often repeated situation where functional illiterates without a trade or a skill are released from jail, only to return to a life of crime which is an inevitable consequence. I am sure that the city officials, the Mayor, and the Director of the Department of Corrections will recall the efforts to get this funding with a view to having the District of Columbia as a role model for possible similar action on a nationwide basis.

The Mayor is on his way and should be here momentarily but, in the interim, let us begin with you, Director Palmer, if we may, and when the Mayor arrives, we will economize on his time by interrupting your testimony, if that is agreeable with you.

Mr. PALMER. Yes, sir.

Senator SPECTER. And proceed on that basis.

We welcome you here and look forward to your testimony.

OVERVIEW OF THE EDUCATIONAL PROGRAM

Mr. PALMER. Thank you, Senator. Good morning, Senator Specter.

I would like to, if I could, give you a brief overview of the educational program.

We started the educational program and we have in place a testing procedure that was just completed, where we tested approximately 3,000 plus residents in the different facilities, including the Detention Facility, for proper placement into an educational program. We have an educational program that has been developed by a task force. It is in place and we plan to implement the program in early March somewhere about the 19th. The actual test scores are being evaluated now so that we can place the persons in the classroom setting and hopefully with the test results, the persons who are most eligible for their GED test will actually take place in the classroom.

Senator SPECTER. You say you tested some 3,000 people?

Mr. PALMER. 3,000-plus, Senator. We have a large population.

CURRENT INCARCERATED POPULATION

Senator SPECTER. What is your total population now?

Mr. PALMER. We have an incarcerated population of roughly 5,000-plus.

Senator SPECTER. Can you give me an exact figure?

Mr. PALMER. I can furnish you with the exact figures. I just do not have them before me.

I have the exact figures of the persons that we have incarcerated.

Senator SPECTER. I have a figure from February 28 of 5,234; jail, 1,858, and Lorton, 3,376.

Mr. PALMER. Yes, sir.

This morning we have an incarcerated population of 5,254. So it has fluctuated.

NUMBER OF PERSONS TESTED

Senator SPECTER. All right, it is up 20. And out of that group of over 5,000, you have tested 3,000?

Mr. PALMER. We have tested 3,000-plus. I think approximately about 3,300. In this count, Senator, as you know, we have some persons who are pretrial detainees and we have certain persons who we could not test, but we will go back later and test them.

Senator SPECTER. Of those who you tested, those are all there in a sentence capacity?

Mr. PALMER. Yes, sir, all of those persons are in a sentence capacity, and we had a very, very low number of people who did not wish to be tested although we did have a few.

DEVELOPMENT OF PROGRAM

Senator SPECTER. What have you done besides testing 3,000 to 3,300 people?

Mr. Palmer We have developed a program, and we have the services of the Correctional Education Association with which we have a contractual agreement. That contract has already started. We have a program that has been developed by a task force that has the blessing and sanctions of the D.C. Public Schools. In other words, it is a program that is recognized by the public school system.

Senator SPECTER. Is this program in writing?

Mr. PALMER. Yes, sir, the program has been developed. We have it and we can certainly furnish you with copies of it. It is a large program. It is broken down into three phases. We have even given the program itself a name.

DELAYS IN STARTING PROGRAM

Senator SPECTER. Director Palmer, let me get right to the core of the concerns I have and the reason for this oversight hearing.

The subcommittee staff has given me this report and I would like your comment on it.

> Concerning the education/vocational programs, I am afraid progress has been extremely slow. The last couple of months have been characterized by delays and missed deadlines, despite almost daily prodding by staff, the budget office, and the City Administrator. As the chairman suggested at the November hearing, the city officials did meet with Dr. Osa Coffey of the Correctional Education Association. The result of that meeting was a proposal by CEA in January and repeated assurances that a contract was imminent—so far no program. Meanwhile, nearly half of the fiscal year is lost.

I would like your response to that, Director Palmer.

Mr. PALMER. We have Dr. Coffey on contract. We did have some difficulties in bringing her on by contract. We do have a program, Senator Specter.

Dr. Coffey is here and I would like for her to speak to that part.

Senator SPECTER. Before we hear from Dr. Coffey, have you missed deadlines, Director Palmer?

Mr. PALMER. We had a problem, Senator Specter, with the testing program. We put in a critical paths chart and, because of the testing procedure, for example, we had 400-plus persons at the Youth Center. We tested a large number of them, and we had to go back and retest a number of them. We did have some difficulties when we first got started in the program.

Senator SPECTER. How much progress have you made, Mr. Palmer?

We marked this bill up in July 1983, it was signed by the President on October 13. It is 4½ months since signature and really more than 6 or 7 months since you knew what was happening. How much progress have you made?

Mr. PALMER. Senator, we have already started some implementation of the program. In March we will physically have in classrooms persons who have been tested in an educational program that has been fully developed, and it is going to be evaluated.

Senator SPECTER. How many people are in an educational program as of when, you say, March?

Mr. PALMER. As of March 19, we will give you the exact number of persons that we will physically have in there.

Senator SPECTER. So the educational program has not started, you are projecting it 3 weeks from now?

Mr. PALMER. We had an ongoing educational program.

Senator SPECTER. A program which you had in existence prior to the appropriation of these $22 million?

Mr. PALMER. Yes, sir.

USE OF $22 MILLION

Senator SPECTER. What have you done with the $22 million?

Mr. PALMER. We have earmarked certain amounts for construction.

Senator SPECTER. I know.

Mr. PALMER. We have put certain moneys out for contractual arrangements, we have ordered supplies and equipment. We have committed money for a task force to get a program fully implemented for us. We have the results of that before us now. The program has been developed, it has been delivered. We have actually identified persons who we will employ as teachers; we have earmarked money that is actually being spent now for teaching of the female residents at the Detention Facility, and we have approximately 15 to 20 who have completed one phase of the course that we have started there. We plan to bring on additional classes at the Detention Facility for the females, although we do have a little logistic problem because of the space and the fact that the females that we have at the Detention Facility are there for a short period of time. Anyone who serves more than 1 year in a sentence is shipped away to a Federal institution so that the persons that we are dealing with are on a short-term basis.

FEMALES VERSUS MALE INCARCERATION

Senator SPECTER. The situation with females is different than with the males. You have the females there only for a period less than a year, you say?

Mr. PALMER. Yes, sir.

Senator SPECTER. And that is different from the males?

Mr. PALMER. Yes, sir.

Senator SPECTER. All right

Let us deal with the appropriation which is made as to the educational and vocational rehabilitation aspect, that is approximately $11 million.

Mr. PALMER. Yes, sir.

EXPENDITURE OF EDUCATIONAL AND VOCATIONAL FUNDS

Senator SPECTER. I would like to know specifically, as you can tell me, what expenditures you have made from those funds.

Mr. GOLIGHTLY. As far as the educational portion of the program is concerned, there have been some expenditures in terms of contractual services.

Senator SPECTER. Expenditures on contractual services? What kind of contractual services?

Mr. GOLIGHTLY. For the Detention Facility, the program that is in place is on a contractual basis.

Senator SPECTER. For the Detention Facility?

Mr. GOLIGHTLY. Yes, sir.

Senator SPECTER. What does the program do under those contractual services?

JOB-READINESS PROGRAM FOR FEMALES

Mr. GOLIGHTLY. This is a job-readiness program designed to teach the female residents.

Senator SPECTER. Job-readiness, and how much is that program going to cost?

Mr. GOLIGHTLY. This is about $60,000.

Senator SPECTER. And how many people will it cover?

Mr. GOLIGHTLY. This will cover—and here I am not specifically sure, but I believe about 100 people that attend that facility will be covered.

Senator SPECTER. Could you give me the exact number so that I know what we are dealing with here?

Mr. GOLIGHTLY. Yes, sir, we can do that.

[The information follows:]

The introduction of this proposed project focused on the need for job-readiness training and counseling for offenders preparing for reentry into the community and work force. In order to realize maximum impact of this training project, and to successfully achieve the stated goal and objectives, V. W. Associates is proposing that the project provide training to approximately 180 female offenders over a series of nine 3-week program cycles. Each program will train not more than 20 participants. Each program participant will receive an intensified but comprehensive 45 hours (3 hours per day x 15 days) of training services with additional counseling, job placement assistance and followup available. It is estimated that nine cycles will be completed over the term of the contract, with the first cycle beginning on or about January 9, 1984, and the last cycle ending on September 30, 1984.

GOALS OF JOB-READINESS PROGRAM FOR FEMALES

Senator SPECTER. All right.

For the moment, we will take about 100 people and what is it going to do for those 100 people?

Mr. GOLIGHTLY. It is designed to provide skills. One of the problems that we found universally, and not only with women but everywhere, is that when the residents hit the street and go for jobs, one of the problems they have is that they need certain skills just in terms of filling out applications, having interviews, work attitudes, and a variety of things that many of us take for granted. The process of providing job-readiness training is something that we have not really been doing and one of the goals that we sought to obtain in this particular appropriation, one of the many goals. That is one of the things.

Senator SPECTER. I would like to have in writing the specifics as to what will be done for these approximately 100 women on the $60,000 program.

Mr. GOLIGHTLY. We will be delighted.

Senator SPECTER. What else have you done on the $11 million on funding for vocational rehabilitation job training, et cetera?

Mr. GOLIGHTLY. All right. As far as actual personal services expenditures, much of the time has been spent in the organization process.

Senator SPECTER. Are you telling me that there have been no additional funds spent beyond the $60,000?

Mr. GOLIGHTLY. No.

AMOUNT OF FUNDS SPENT

Senator SPECTER. What funds have been spent, that is my question?

Mr. GOLIGHTLY. OK. We will have to provide you the specific number of people that have actually been brought on for the record because I do not have that figure.

[The information follows:]

NUMBER OF PEOPLE HIRED

As of February 18, 1984, a total of 73 persons were onboard to perform functions provided through the special criminal initiative appropriation. Of these, 9 employees have been serving to develop the education portion of the program. These individuals have been assessing the existing educational offerings and physical space requirements for expansion of the program. Proposals have been developed to recruit newly graduated instructors, particularly in the field of vocational training.

This planning staff also implemented the massive testing of residents to determine their current academic level, special academic needs, and vocational interests. The staff has consolidated the individual institutional education programs which have heretofore operated independently. The actual expansion of classes will begin in March.

Various computer systems have been investigated to use for individual instruction and to monitor the progress of enrolled residents and determine the overall success of the endeavor.

Staff has been hired in support of the other purposes for which the special appropriation was designed. For example, the diagnostic unit which is responsible for testing youth prior to sentencing and adults after sentencing to determine classification, program, and counseling needs has been expanded from 18 to 27, an increase of 9. Counseling and other needed support staff throughout the eight institutions has been increased by 33. Such staff will work in concert with those who will be conducting the education portion or in the overall implementation of the special appropriation.

Overcrowding, the other major need which this legislation was intended to address, accounts for 22 others who have been hired to date. This includes additional direct care provided to residents, such as medical and food services, and increased security coverage. The hiring in the correctional officer area in particular has been slow. The task of finding large numbers of qualified applicants for this work has frequently been a frustrating one. The Department has even gone on recruiting trips out of town to interest individuals in relocating to the District of Columbia to work as correctional officers in our facilities.

Due to the difficulty in hiring officers, added security has been provided through use of overtime worked by correctional officers onboard. The amount of overtime hours worked in lieu of correctional officers, translates into approximately 60 additional staff.

BREAKDOWN OF $22 MILLION

Senator SPECTER. Well, approximately?

Mr. GOLIGHTLY. It has not been more than 10 I would not say.

Senator SPECTER. Ten people?

Mr. GOLIGHTLY. Yes, sir.

Senator SPECTER. So approximately how much has been spent on that phase of the program?

Mr. GOLIGHTLY. Well, if you take 10 people, the extrapolation of that would be approximately $50,000.

Senator SPECTER. Have any further funds been expended or committed out of the $11 million?

Mr. GOLIGHTLY. The other major portion, of course, of that $11 million is the construction phase, and we have——

Senator SPECTER. Wait a minute. There is $22 million. That means $11 million is for construction and $11 million is for rehabilitation, is that not correct?

Mr. GOLIGHTLY. No, sir. Of the appropriation, it breaks down $9.9 million for construction, most of which is going toward educational facilities, and the remainder, $12,430,000, I believe, is in the operating area. Not all of that, of course, is education. What we are talking about there is a variety of programs, including the costs for correctional services also.

Senator SPECTER. You are saying that all of the money which is allocated for education of vocational training, that—what is the total figure of that?

Mr. GOLIGHTLY. The total figure is approximately $3 million in the vocational education area, and then another $1 million for prison industries expansion.

Senator SPECTER. You have totally lost me. You have $9.9 million on construction and you have $430,000 on operations. Do you have this written down?

Mr. GOLIGHTLY. Yes, sir. I can certainly provide you with a report.

Senator SPECTER. May I see it?

Staff says that you gave him some papers late yesterday afternoon which I am now seeing for the first time.

Is this the sheet?

Mr. GOLIGHTLY. Yes; that is the sheet.

In fact, there is another one.

Senator SPECTER. Let us put into the record what you are doing here.

[The information follows:]

CRIMINAL JUSTICE INITIATIVE

Substantial progress has been made during the first quarter of this year with regard to the fiscal year 1984 Criminal Justice Initiative. An entirely new financial control center has been established to facilitate monitoring of expenditures in this area, and the authority is now available for obligation and expenditure. A new Assistant Director for Educational Services has been designated and all existing and newly funded academic and vocational staff and other resources has been assigned to this new unit. This will serve to sharpen managerial focus on the most effective use of these resources.

The following is the proposed allocation for the Criminal Justice Initiative funding approved in the fiscal year 1984 budget:

Criminal justice initiative	Positions	Personnel salaries	Personnel salaries (overtime)	Total
Educational services	126	$2,069,000	$950,000	$3,019,000
Executive direction and support	29	517,600	116,000	633,600
Detention services	99	2,497,300	35,000	2,532,300
Correctional services	86	2,402,100	62,000	2,464,100
Community services	28	504,600	31,000	535,600
Administrative services	54	1,114,700	[1] 2,131,000	3,245,700
Total	422	9,105,300	3,325,000	12,430,300
		Construction	Equipment	Total
Capital		$8,520,000	$1,380,000	$9,900,000

[1] Includes $1,000,000 for industries expansion.

Requests to hire 141 staff funded from this special appropriation have been forwarded to D.C. Personnel. The bulk of the actual hiring pursuant to these requests is expected during the second quarter. No correctional officers have been hired who are financed by the special appropriation because of the higher priority required for hiring the correctional staff for operation of Occoquan II.

USE OF FUNDS FOR CONSTRUCTION

Senator SPECTER. Are you saying that $9.9 million is to be used for construction out of the total funds available for the rehabilitation aspect?

Mr. GOLIGHTLY. $9.9 million is being used in the construction phase. Approximately $12 million is being used in the operating phase. Of the $9.9 million, about $7.5 million will go into educationally related construction.

Senator SPECTER. Will you repeat yourself on that sentence, please? I do not follow you.

Mr. GOLIGHTLY. Of the $9.9 million in the capital area, about $7.5 million will go for the educationally related construction.

Senator SPECTER. When you say $7.5 million for the educationally related facilities, are you talking about construction now?

Mr. GOLIGHTLY. It is for additional classroom space.

Senator, the program itself envisions more than tripling the existing educational facilities that we have at Lorton in terms of the number of teachers, in terms of the number of residents who will be taught additional skills, and in terms of the classroom space.

So what we found it necessary to do was to take a good look at the space we had right now. We found that some of it we could make additional utilization of in terms of the multiple use of space and using it at different hours and so forth, but that did not nearly cover the type of requirements that we had in terms of educational classroom space.

Senator SPECTER. You are saying that there is going to be a total amount of $9.9 million on capital construction?

Mr. GOLIGHTLY. That is right.

Senator SPECTER. $7.5 on educationally related classroom space.

Now, what is the balance of the $2.4 million?

Mr. GOLIGHTLY. The balance of the $2.4 million will go toward the improvement of the Occoquan facility. This is a portion of the expenditure which is designed to deal with overcrowding.

Senator SPECTER. $2.4 million, is this educationally related?

Mr. GOLIGHTLY. No; this is not educationally related. This is the portion of the capital section that deals with overcrowding. There were two purposes enunciated for the capital section. One was education and the other was overcrowding. We are dealing with the overcrowding.

Senator SPECTER. What is the total amount which is being directed for the vocational educational aspect and the overcrowding aspect?

Mr. GOLIGHTLY. Both together, $9.9 million.

Senator SPECTER. Where is the balance of the $22 million then?

Mr. GOLIGHTLY. OK. The balance of the $22 million then is in the operating side. We traditionally divide our expenditures between operating and capital, and the operating side has to do with the actual running of the program as opposed to the building of the structures.

USE OF FUNDS FOR OPERATING COSTS

Senator SPECTER. Then you are saying that there is approximately $12 million left on the operating side?

Mr. GOLIGHTLY. That is correct, sir.

Senator SPECTER. And what is that being allocated to?

Mr. GOLIGHTLY. Reading from the report which you have in front of you there, the educational services, and you can follow this right on the report, the educational services are $3,019,000. The executive direction and support area is $633,000. In the detention services area——

Senator SPECTER. What is covered by the detention service?

Mr. GOLIGHTLY. The detention service is primarily the correctional allocation that was placed in that program.

Senator SPECTER. What do you mean by correctional allocation?

Mr. GOLIGHTLY. Senator, you gave us a substantial amount of funds and a number of position authorizations in order to compensate for some of the things that we have had to do in terms of beefing up our institutions to handle the overcrowding.

The crux of this was felt in the Detention Facility, and this is where the majority of that money went. This is for correctional officers.

Senator SPECTER. You are talking about additional correctional officers?

Mr. GOLIGHTLY. Yes, sir, that is correct.

Senator SPECTER. For $2,500,000?

Mr. GOLIGHTLY. Yes, sir.

Senator SPECTER. And that is under the category of detention services?

Mr. GOLIGHTLY. That is correct.

Senator SPECTER. Correctional services, $2,460,000?

Mr. GOLIGHTLY. Right. That is added funds for additional program personnel, having to do with counseling classification and parole officers, psychologists, all of those types of people that, in addition to educational program, it is necessary to do the proper counseling in order to make a realistic whole out of the program.

NUMBER OF COUNSELORS IN PROGRAM

Senator SPECTER. How many counselors are included in that category?

Mr. GOLIGHTLY. Senator, I do not have this figure directly in front of me. We can certainly get that for the record.

[The information follows:]

A total of 69 positions have been allocated to provide the counseling function of the program. This includes the classification and parole officers and clerical support. Of these 69 positions, 27 will serve the jail population, 30 will serve the Lorton institutions' populations, and 12 will serve the community release population. Beyond this, we have allocated another 12 positions to provide for other social services needs. These include psychologists, social workers, chaplains, and volunteer services staff.

APPEARANCE OF MAYOR BARRY

Senator SPECTER. Mayor Barry, what I am trying to determine here is what progress has been made on the allocation of the $22 million, and I started off by reading to Director Palmer a staff report which I had which raises my concerns which I will be glad to repeat here, but this is what the staff has said to me.

> Concerning the education/vocational programs, I am afraid progress has been extremely slow. The last couple of months have been characterized by delays and missed deadlines, despite almost daily prodding by staff of this committee, the budget office and the City Administrator. As the chairman suggested at the November hearing, they did meet with Dr. Osa Coffey of the Correctional Education Association. The result of that meeting was a proposal by CEA in January and repeated assurances that a contract was imminent, and so far no program.

Now, as the staff has noted, the proddings have come from the City Administrator, which I presume is your department as well, and in having this oversight hearing, I am in no way suggesting any fault. What I am trying to find out is what has been done, and I fully realize that in the administration of a massive city government, it is difficult to get all the pieces in place. At the same time, we are going to be looking at the 1985 budget very soon and I feel very much on the spot personally for having taken the initiatives on the $29 million, $22 million in this field, and am looking for success on the pilot program as to what we are going to be accomplishing. And I am trying to really understand specifically what moneys are going for the vocational aspect and the rehabilitation aspect which is really the crux of what I am interested in knowing.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, let me apologize for being tardy. I was on the phone with the U.S. Attorney trying to work out mutual consents.

Senator SPECTER. Mr. Mayor, no problem. I know the problems you have and I appreciate your taking the time to come here.

Mayor BARRY. Mr. Chairman, let me again, for the record, express my deep appreciation for your work in this area, and I told Mr. Palmer. I just whispered to him about what I am about to say now. I am beginning to find that I am not sure that the Department of Corrections, because of its past history of warehousing people and not training people, is prepared to adequately and fully carry this program on by themselves. I have had a hot meeting about a month ago in my office just raising hell, quite frankly, with Mr. Downs, Mr. Palmer, and Ms. Mack about the slow progress. It was not intentional, nobody is sitting on their hands, and are not going to do it. I am just not sure that because this is a new thrust for prisons around the country and a new thrust for us that with the other work the Department is doing in terms of prison overcrowding, that some of the same people are trying to do all of that.

For instance, Mr. Golightly is in charge of the entire administration of all this money in terms of correction personnel, et cetera. I think I am fast coming to the conclusion that we have to mobilize the entire D.C. government at this point to assist in trying to get this program going. I do want, at the end of this year, to have some tangible concrete results of some people being trained.

Now, we have done, I think, a magnificent job of analyzing where people are in the testing program, at least that is a start.

There is no reason, in my view, why the capital part of this program could not have started last fall. I said this to my staff, I am saying it to you publicly. Again not because nobody wanted to do it. They just had 40 or 50 other responsibilities. But I would like to assure you that I am going to get personally involved in this and find whatever it takes to move this program forward. I saw the construction schedule when they first gave it to me in January. I told them I could not stand that, that was too far out in terms of capital construction. They are moving to do temporary structures, to start training people, and they are going to bring on some 70 or 80 people immediately to start instructions. So I think we are going to see in the next month or so some drastic changes in movements. My public criticism of the slowness of it is unusual for me, I do not usually do it this way, but I want to assure you that I am aware that this program is something that you fought for, that I support and supported you in fighting for it. You have tried to convince your colleagues that this could be the model of the country, and I guarantee you I want to make it the model. I am going to spend a lot more of my time mobilizing the entire D.C. government, all resources that we have to bring to bear, and the private sector too. We have a number of persons in the private sector who want to help who have experience in managing prison programs.

As you know, we never tried anything this massive so quickly. There is no real model out there. I was asking Dr. Coffey, for instance, if you have to go some place, where will you go to find a model? There is no model. The population of the District of Columbia is probably unique in terms of the demographics, both socioeconomics and race and geography that makes the program a little bit more difficult.

So I appreciate your asking these questions, and I think they are certainly in order. I do not think we have moved as rapidly as we could have, not because people did not want to, it is just that this is an area that I believe, in my judgment, is new to corrections in terms of massive training rehabilitation.

On the other hand, the program at the jail, which is the detention center for women, appears to be a good model. We are counseling them for job training, and getting them ready for jobs. The proposed contracts that are going to be signed with the various educational institutions, both the public sector and the private sector, will pay off.

It is now February 29, we must be at least 2 months behind where we ought to be.

PERSONAL INVOLVEMENT OF THE MAYOR

Senator SPECTER. Mayor, I am glad to hear your personal involvement. You have been on it, and there is no point in pursuing the matter beyond that. We will pick it up again perhaps in 30 days and see where the matter stands.

Mayor BARRY. Mr. Chairman, let me just indicate in this whole regard that Mr. Palmer is an outstanding Director of this Department. He has had to wrestle with it, as I said earlier, with all these other court orders, contempt of court orders, and potential contempts of court. I just wanted to make it clear that it is an institutional problem and not a personal directorship problem. It is the institution, I think the Corrections Department is overburdened, overloaded.

Senator SPECTER. Mayor Barry, I share your high regard for Director Palmer, and I know this is a difficult matter. And you have characterized it well in agreeing with me. We are on the spot. We have to produce.

Mayor BARRY. That is right, and we will produce too.

Senator SPECTER. Since we last met, I have been carrying the matter forward with Senator Laxalt, who is chairman of the Criminal Law Subcommittee, and Senator Thurmond who is chairman of the Judiciary Committee. Senator Laxalt and I met with OMB Director Stockman and with Presidential Counselor Meese in an effort to get additional funding on S. 889, which is the large bill for which I am using this program as a prototype, and it is tough going to get commitments and to get funding. And that is why I am looking here.

ADDITIONAL JAIL FACILITIES IN THE DISTRICT

Let me change the subject, if I may, on a supplemental item, and that is the question of an additional D.C. jail, additional facilities which may have the potentiality in the long run for solving the question of overcrowding and decent facilities for realistic rehabilitation and decent facilities for detention.

Mr. Mayor, let me say at the outset that I do not propose to be an interloper on the matter or to press beyond the line of making a suggestion or being available to be of assistance to you. This is a local matter which the District is going to have to decide under the leadership of the Mayor and the City Council.

To the extent that this subcommittee can be helpful, I am anxious to do that, and I believe that there is going to have to be very substantial prison construction across the country. I believe we need 200,000 additional facilities to relieve overcrowding both in the name of humane treatment for people who are in detention who are not being treated decently, and we also need additional facilities, in my judgment, for incarceration of career criminals who are really a threat to our citizens. And we are going to be having some hearings with the Parole Board at a later time to examine some of the features of reliefs, because it is my personal judgment based on a lot of experience, and I do not want to prejudge the District of Columbia situation, that judges do not sentence because of overcrowded jails, and that there are releases by the Parole Board because they necessarily have to keep the worst and they have to release some who should not be released.

Now, it is a highly controversial subject as to building a jail, and I know it very well. In Pennsylvania, we passed legislation in 1965 for an eastern correctional institution, and it has not been built 19 years later, because the only place that Pennsylvania could agree to build it was New Jersey. And New Jersey did not want it. And I know what Virginia and Maryland have to say about a jail. And it is in that overview, Mr. Mayor, that I am interested in your thinking as to where you would like to see the issue pushed, if at all.

Mayor BARRY. Mr. Chairman, let me indicate I appreciate your philosophy about how we handle this. This is a national problem, not just confined to the District of Columbia, except we are talking about it, we are all involved. I am the Mayor and you have oversight responsibilities.

The District, Mr. Chairman, is unique in the sense that we operate a detention center called D.C. jail, it is for pretrial detainees. These are people who the courts have decided ought to be confined until their trials, either through high money bonds or other ways of confinement. In some instances, it is preventative detention. That is not the problem, I do not think, in the District of Columbia.

The D.C. jail has the capacity of about 1,376 cells or living spaces for single occupancy. It can hold more than that in a safe, secure, and humane way. We have less than 1,000 people today incarcerated as pretrial detainees. In fact, it is about 950 as of today—959 or 960. We have also taken the D.C. jail and made a jail within a jail; that is, we have taken that whole facility, which is one of the most modern secure facilities in America in terms of its appearance—outside it does not look like a jail to some people, and inside it is very, very modern—and made a jail within a jail. So all of our pretrial detainees have been separated out from all the center's prisoners. We have color coded their uniforms; there are two separate colored uniforms, two separate armbands. This is a suggestion that I made to Mr. Palmer.

So I do not think that is the problem right now. The courts are under a lot of pressure, as you know, to use dangerousness as a condition for release or nonrelease. Right now it is not supposed to be a factor. I happen to think that dangerousness ought to be a factor in determining bond, but apparently the legal system will not allow that to be a factor. The only factor is whether or not——

DANGEROUSNESS, A FACTOR IN PRETRIAL DETENTION

Senator SPECTER. Mr. Mayor, I believe that in the District of Columbia, dangerousness is a factor in your pretrial detention. The Senate has passed a law for national application on Federal rules, but I believe in the District of Columbia you do have the pretrial detention.

Mayor BARRY. Mr. Chairman, I have been informed by Ms. Wilson that it is a factor, but you have to have a special hearing in order to do it that way.

Senator SPECTER. It is an elaborate procedure.

Mayor BARRY. The judges, the prosecutors, and others have not elected, because of the tremendous load on the court, to use this elaborate seizure except in those cases where they think it is important. As I understand it, a 3-day hold is what they use to try to reevaluate one's previous reasons for being out on bond. In some instances, you are arrested again while you are on bond for another alleged crime, and then the first judge can determine that maybe that personal recognizance or third-party release was not appropriate. But I do not think that is the more serious problem in terms of court and court backlogs. Detention is not the problem. It is what happens to the center's prisoners once you sentence them.

Let me give you a couple of examples. In 1973, the District had approximately 3,708 people incarcerated. These were sentenced prisoners. And in 1983, in fact 1984, we have 5,466 sentenced prisoners, and that is where the problem comes. What do you do with people once they have been convicted by the courts, and where do you put them? We maintain for the foreseeable future that with the addition of almost 900 new beds either on line or to be on line in the next 8 or 9 months, that we will have sufficient space to house in a humane, constitutional, safe, and secure way all of our sentenced population in the District. That is at Lorton and with some at D.C. jail.

We would advocate the building of a new Federal institution, if that is what the Federal Government wants to do on Federal land with Federal moneys, because we have approximately at the D.C. jail, for instance, 200 persons charged with Federal crimes that ordinarily would be housed in a Federal institution, either as a detainee, if one were close enough, or as a sentenced person.

Senator SPECTER. This is in the D.C. jail?

REMANDING PRISONERS TO FEDERAL INSTITUTIONS

Mayor BARRY. D.C. jail. We have about 1,102 people who are scattered throughout the country. As you know, the superior court judges have a discretion as to whether to sentence you to be housed at Lorton or at a Federal institution. In some instances, they would take persons who have committed local crimes, but in their view ought to be sent to Federal institutions, and they run the spectrum from Allenwood to Marion, Ill. A new Federal facility in this area, it seems to me, would allow some of these 1,100 people to be sentenced for some of those institutions.

Senator SPECTER. Now, there are 1,100 people who are in Lorton?

Mayor BARRY. No; there are 1,100 people who have been tried in superior court, charged with local crimes in the sense of local crimes, not Federal crimes, but they have been housed, either at the request of the Government, the U.S. attorney or, in some instances, at the request of the defense attorney, in Federal institutions away from the Washington area.

Now, I will give you an example of a situation of which I am personally knowledgeable. In 1977 when the Hanafi Muslims took over B'nai B'rith and the District Building and one other place, there were people killed, and I was shot. The trial judge decided they wanted to split the people up and they sent some to Illinois and some other places. Also, in some instances, bank robbery, is a Federal crime, but in armed robberies, persons are tried for local armed robbery, convicted, they may be split up, one sent to one Federal institution, and one sent to Atlanta. In some instances, some defendants want to go to Lexington, Ky., for drug treatment, and where is the other one—Danbury, Conn. But there are 1,100 of these type of persons, Senator, who ordinarily could be housed in our own institutions. But again if they were, they would add to the overcrowding. And we pay a per diem per person for each of these 1,102 people to the Federal Bureau of Prisons out of our local budget. I think in 1984 it is about $20 million. So we could stand to have some institutions for sentenced people, but if the trend of the 1,100 or so people in the Federal Bureau of Prisons continues, it indicates very clearly that for the unsentenced population, it is our view, based on models that we looked at, based on the climbing population of those who more likely will commit crimes, which is 20 to 29 years of age, that our unsentenced population would decline from about 950 in 1984 to a little more than 800 in the next 8, 9, or 10 years.

CAPACITY OF THE D.C. JAIL

Senator SPECTER. Mayor Barry, you say that the D.C. jail has accommodations for about 1,300?

Mayor BARRY. 1,376.

And what we have had to do, because we did not have room for our sentenced population, is to keep sentenced people at D.C. jail. In many instances, they have been double celled.

CAPACITY AT THE LORTON FACILITY

Senator SPECTER. And Lorton has space for how many?

Mayor BARRY. Let me indicate, Mr. Chairman, there are eight different institutions which make up the Lorton complex. You have Youth Center 1, which has a capacity of 466 people; Youth Center 2 has a capacity for 250; the central complex has a capacity of 1,166; Occoquan 1 has a capacity of 436; Occoquan 2 has a capacity of 450; maximum, which is our maximum security institution, the one we visited around the wall where you go over the steps and look over the complex which has a high wall, has a capacity of 536; minimum security has a capacity of 400; and the new facility we are bringing on Occoquan 3, has a capacity of 250. That comes to a total of 4,394 spaces.

Senator SPECTER. 4,394?

Mayor BARRY. Right.

Senator SPECTER. And how many of those are to be brought on capacity? Are 650 of those going to be added?

Mayor BARRY. 350. We have already added 954 beds in the last 2 years, We are bringing on, in addition, 350. That takes us to 1,304 added in the last 2½ years.

Mr. Chairman, may I also indicate that these beds cost anywhere from $25,000 to $100,000, depending on what the facility is and how security is, averaging about $45,000 to $50,000. The issue is not just one of where you put a facility. The issue is whether or not the citizens are prepared to pay $45,000 to $50,000 per cell to build a facility. And if you use capital money, 30-year money, you really are talking about a range of $150,000, which is what it will actually cost the taxpayers per cell to build over a 30-year period.

Senator SPECTER. The figures that you have given me though, Mr. Mayor, if you have space for 4,394 and you have in Lorton at the present time 3,376, you are well under capacity by those statistics.

I have the figures from yesterday, February 28, which show Lorton has 3,376.

Mayor BARRY. Mr. Palmer can——

Mr. PALMER. Senator Specter, when you take the sheet, for example, let us take the count sheet. What happens, because of the fact that we have persons who are housed with prior convictions at the Lorton complex, they have pending matters in the courts, one of the courts, either Superior Court or U.S. District Court, or they have medical needs and so forth.

Senator SPECTER. How many people do you have in Lorton at the present time?

Mr. PALMER. At the present time we have assigned residently there but who are not physically there—see, there is a difference, Senator.

Senator SPECTER. How many do you have assigned there?

Mr. PALMER. Today we have 3,367.

Senator SPECTER. And how many do you have physically there?

Mr. PALMER. Physically there we would have a minus 44. If you count the little pluses on the side.

Senator SPECTER. You are well under capacity at Lorton. Lorton has a capacity of 4,044 at this moment?

Mr. PALMER. No, sir, not at this moment, we do not.

Senator SPECTER. What is the capacity at Lorton at this moment?

Mr. PALMER. The capacity is right on the sheet, 3,544.

Senator SPECTER. What sheet are you dealing with? I have a sheet for capacity breakdown which says 1983, 4,044.

Mayor BARRY. Senator, do you have this table? What do you have?

Senator SPECTER. Mayor, you and I are dealing with different tables. Two sets of books here.

Mayor BARRY. Let us get the same tables so we can serve the same meal here.

Senator SPECTER. I agree.

Mayor BARRY. Let us go through them. Central is 1,166; maximum, 536; minimum, 300; Occoquan 1, 436; Occoquan 2, 458; Youth Center 1, 406; Youth Center 2, 250——

Senator SPECTER. Wait a minute. Youth Center 1, how much? I have 406.

Mayor BARRY. 406. Youth Center 1.

Senator SPECTER. And Youth Center 2, 250?

Mayor BARRY. 250.

Senator SPECTER. That is a total of 4,044 on my sheet.

The question I have, if you have space for 4,044 and you have physically about 3,350, you have more space than prisoners, why do you have the excess in the D.C. jail? The D.C. jail now has about 500 more than rated, more than capacity.

PHILOSOPHY ABOUT BUILDING MORE JAILS

Mayor BARRY. Senator, we are adding this up here. We can probably clear it up.

Let me also say that part of our problem here is that there is another philosophy, and I guess it is like highways, I guess if you build more of them, more cars will get on them. But there is the view that the more jails you build and the more cells you open up. There is a marginal area where the judges can send you to jail or send you home. If they think there is space there, more than likely there is some discretion, lean toward both, sending you home and sending you to jail. We notice, for instance, when we sent about 400 people from D.C. jail during the summer down to Lorton, we doubled people up down there and put them in dormitories. We went from about 2,400 down to almost 2,000, maybe 1,900 people in about a week and a half doing this. And in less than 2 weeks, I think there were 200 more people added to the jail.

Senator SPECTER. Mr. Mayor, I can see that judges would not sentence if the place was overcrowded, but I would be surprised if the judges—I can see that the judge would not sentence to jail if the jail were overcrowded, even if they thought they ought to sentence. But I cannot see that a judge would sentence where there was space if he thought the person should not be sentenced.

Philosophically, my experience has been that where the place is crowded, and it is a hellhole, the judge is not going to sentence people if he thinks they ought to go but is marginal. But I would prefer to see space there so the judge could sentence if he thought the person ought to go. But I would be surprised if just because there were space in the jail—I would not be surprised, I would be shocked, it would be beyond my experience that a judge would sentence someone because there was space there if he did not really think they should be imprisoned.

I would like to see a situation where a judge imposed a sentence, or a parole board permitted the release without a consideration to overcrowded jails. If I thought that they were sentencing because there was space, I certainly would not want to see that.

COMPARISON OF INMATE POPULATION PER RESIDENT POPULATION

Mayor BARRY. Mr. Chairman, I am not going to characterize our court as similar to other places, but if you take the incarceration rate for the District of Columbia, it is about 797 inmates per 100,000 of our population. The range for most cities, including New York City, is about 250 sentenced residents per 100,000 residents.

Now, that ought to indicate, it seems to me, that, one, judges are sentencing people at a very high rate compared to the other cities, because the way you make these things equal, you take the 100,000, as you very well know.

Senator SPECTER. Do you have any other cities besides New York?

Mayor BARRY. Boston is 247, Baltimore is 750. We can get you some more data on other cities circulated. We did a survey around the country.

Senator SPECTER. Well, Baltimore is pretty close to Washington.

Mayor BARRY. We also did Detroit. What is Detroit's?

I think what is an indication of what the judges are doing is that we have got—I do not have the capacity, I guess we could give it to you for 1973, but I know the capacity of our prison sentence in 1973 was way down from our capacity now. We did not have Occoquan 1, 2, and 3. They were not on line in 1973.

SENTENCING BASED ON OVERCROWDING

Judges, I do not think, sentenced based on space. I really think, Mr. Chairman, that obviously the Government is going to ask for one sentence. Generally speaking, the defense attorney will ask for one that is less than the prosecutors will ask for, and the judges are going to make a decision. I think the other factor here is that a significant number of our residents are arrested and found to have drug-related problems. About 60 percent of those who have been arrested in the last year or so have had their urine tested and come up positive for drug substance abuse.

So, in some instances, judges will want to sentence people if there is space there. They also want to implement a program rehabilitation for drug use, and I do think there is some connection. I do not have any data between the amount of spaces available and whether or not they are filled up.

Senator SPECTER. I agree with you about the connection on the sentencing to space, but the question which arises is, are judges not sentencing where they should because there is no space? I think the answer to that is yes. The converse of that is, would judges sentence because there is space even if they think that they should not sentence, and I do not think the answer to that is yes, Mr. Mayor.

Mayor BARRY. I do not know the answer, I do not know what the criteria is.

Senator SPECTER. We will ask the judges.

Mayor BARRY. I think it would be a good idea to get Judge Moultrie in to see if there is a gray area about what the factor is? Is space a factor? Is it rehabilitation? Is it hope that people can do better?

COMPARISONS WITH PHILADELPHIA

Senator SPECTER. We will pursue that and I will have our staff get broader statistics on the sentencing per 100,000 across the Nation to try to get a broader range of comparison.

Mayor BARRY. We have one for Philadelphia, Mr. Chairman.

Senator SPECTER. Fine.

Mayor BARRY. It is 284 inmates per 100,000. Pittsburgh is 367 per 100,000; San Fransisco is 262 per 100,000; Detroit is 411 per 100,000; Baltimore, which is closest to us——

Senator SPECTER. Is there any impact on the metropolitan area? Washington, D.C., of course, is a much broader metropolitan area than simply the District of Columbia population.

Mayor BARRY. I guess Mr. Palmer could get the data. I get the impression that the great majority—in fact, the overwhelming majority of people who commit crimes in the District of Columbia and who are arrested basically live in the District of Columbia, and that there are a number of people who commit crimes outside of the District who, in some instances, are D.C. residents, particularly in Prince George's, Fairfax, and Montgomery Counties.

Senator SPECTER. Mayor Barry, this has been helpful to me.

What I would like to do is to have our staff work with your staff and get these statistics as to the prison population in line because they do not add up as to the sheets, as to whether there is overcrowding.

You have a comment?

CORRECTION OF CAPACITY NUMBERS AT LORTON

Mayor BARRY. Mr. Chairman, we have a problem solved about these numbers.

There is a typographical error in the charts you have. It should be 1,166 at the Central facility as opposed to 1,666 at Central. That brings it right into line.

Senator SPECTER. That is 500 now. All right.

So you have 3,500 spaces.

Mayor BARRY. 3,544.

That is why we are maintaining, Mr. Chairman, that we do not think that at this point in time in the next 8 to 9 years, that the District of Columbia, under what we have either being built or have built, will have an overcrowding problem.

Senator SPECTER. Mr. Mayor, what is the answer to my question? If you have 150 spaces at Lorton, why do you have people double celled at D.C. jail?

Mayor BARRY. We have several problems that we are working on, Mr. Chairman.

Even though we think we have 1,166 spaces at the Central facility, our court order limits us to 1,111. That is, we have a consent decree with Judge Green to limit our numbers to 1,111.

Senator SPECTER. So you are under court decree to keep some spaces open at Lorton?

Mayor BARRY. What we are doing is, as we renovate certain cell blocks, we cannot count them technically as available for use. So we only have 1,111 spaces available for use.

Senator SPECTER. Are you saying, Mr. Mayor, that you do not have any vacant spaces at Lorton?

Mayor BARRY. There are 122 spaces that are vacant, and this week 122 people will go down there.

We have so many court orders, Mr. Chairman. Once a person is sentenced, they have to go through diagnostic and a lot of testing and some other analysis before they are even sent to Lorton. So there is a time lag between the time that they are sentenced and the time they go to Lorton.

Also, Mr Chairman, for the first time we now have a much more sophisticated system to segregate out those who are sentenced and those who are pretrial detainees. Quite frankly, I think prior to Mr. Palmer coming on as Director and my involvement in insisting on accuracy, I am not sure that the jail people knew who was in jail and for how long, quite frankly, in terms of sentence. They knew they were sentenced, but they did not know whether they were there 6 months, 8 months, or 9 months. My view is that those who have been there the longest ought to be the first to go out when there is space. So we now have the system down when, according to the numbers, we are not overcrowded at Lorton. We are in compliance with all the court orders, and once Occoquan 3 comes online, which will house—how many people—350, that will further relieve the double celling at D.C. jail, and that is why we disagreed with the GAO analysis and anybody else's analysis that said we needed at this point in time——

Senator SPECTER. Mr. Mayor, this has been very helpful. I am afraid I am going to have to terminate soon here because I am due on the floor.

But we will pursue these statistics as to the people who were there. We are going to be pursuing the question with the Parole Board as to the factors of their release, and we will check on the other cities, and I find the dialog very, very useful, and I want to thank you for coming and thank you for your continued cooperation. And I think working together we can improve the situation.

CLOSING REMARKS OF MAYOR

Mayor BARRY. Mr. Chairman, before you leave—I know you have to go and vote, I think I heard those bells ringing.

Our emphasis has been on preventing crime, trying to find a way, and we all want to do this, and we had a 13-percent decrease, to further make it more difficult for people to commit crimes, and we are going to launch a major program with our school system at truancy, trying to get people in school. They now have computerized systems to report enrollment. We work on our police in terms of what is called a PV–79. We pick people up off the street and take them to school. We are going to computerize that form so we can get a daily count of who is absent and from what schools, working with the schools to try to get kids, young people back in school.

They are going to launch a major program on teenage problems in the juvenile justice system. Over 4,000 young people almost arrested last year, 90 percent of them go back in the same environment and they end up in the juvenile justice system first, adult systems, you know the statistics later. So I think you are going to see, hopefully, a decrease in the amount of crime committed in this city because we are going to focus on it more, and also try to stop this treadmill of young people who go into the juvenile justice system and in the adult system. Seventy percent of all the persons who are now in our adult system, who are from the District of Columbia, at sometime or another were in the juvenile justice system.

So the juvenile justice system, in my view, is feeding into the adult system, and we have to stop it before it continues to feed. So I think these things will be helpful.

We appreciate your understanding and support of our effort. It is difficult, no question about that. Mr. Palmer has a difficult job; Chief Turner has a difficult job; the courts have difficult jobs. But we all are working together with our justice boards. We now have a justice board which meets periodically with all of the participants. Sixteen of us sit down to work together on trying to figure out what we can do together to make our city even safer. But also how you get people who are career criminals in jail and stay in, that is what I am concerned about, and be rehabilitated if they can. And your initiative has helped us to at least implement a philosophy which I wanted to implement all the time. If you are in jail, you are either going to do one of three things. You are going to get job training or educational programs, and you are going to work. When you come up for parole, you are going to stay there until your parole is over. Simple as that.

SUBCOMMITTEE RECESS

Senator SPECTER. Mr. Mayor, I think we agree on the objectives and we will continue to work together.

Mayor BARRY. Thank you very much, Senator.

Senator SPECTER. Thank you for coming. The subcommittee will stand in recess.

[Whereupon, at 11:10 a.m., Wednesday, February 29, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, March 7.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, MARCH 7, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met in room SD-628, Dirksen Senate Office Building, at 10:07 a.m., Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

BOARD OF PAROLE

STATEMENTS OF:

JOSEPH DIGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA
BERNICE JUST, CHAIRPERSON, D.C. BOARD OF PAROLE.

ACCOMPANIED BY JOHN P. HUME, PRINCIPAL ASSISTANT U.S. ATTORNEY

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen. We will begin this hearing of the District of Columbia Subcommittee of the Committee on Appropriations.

Our subject this morning is the Parole Board, and we are conducting this hearing in the nature of oversight with a view to determine to what extent, if at all, releases on parole are made because of the shortage of prison spaces.

Last week, the Mayor and the Director of Corrections of the District testified about the overall situation in the prisons, and from hearings which were held in the past, the issue has been raised as to the procedures on the Parole Board, the adequacy of staffing, and the question as to whether fewer paroles would be granted were there more prison space available.

Then, a number of media accounts about the subject of this hearing, such as the work release program, appeared. There was a major article in the Washington Post this morning about availability of drugs in the prisons, all matters of public concern.

We have with us this morning, and I appreciate the attendance here, the U.S. Attorney for the District of Columbia, Joseph diGenova, and the Honorable Bernice Just, Chairwoman, D.C. Parole Board.

I would like to start with you, Mr. diGenova. If you will, we will proceed on a relatively informal basis. We need appropriate resources to insure public safety by not releasing people on parole who are unrealistic and unreasonable risks for the community, at the same time recognizing the functions of the appropriate scope of parole.

So, with those brief introductory remarks, Mr. diGenova, I would like to turn to you with the focus of the subcommittee's concern on what are the practices of the Parole Board as you see it, with a view to inappropriate or premature release.

STATEMENT OF JOSEPH DIGENOVA

Mr. DIGENOVA. Good morning, Mr. Chairman.

First of all, let me thank you for the opportunity to appear here today to discuss what I know has been a concern of yours for a considerable period of time, both as a prosecutor and as a member of the U.S. Senate, and something that has been of concern to me not only since I was sworn in as U.S. attorney, but prior to that time when I served as principal assistant.

It is no secret to this committee that our office has for some time had differences, we think reasonable differences, of opinion with the Parole Board about release decisions and, indeed, we have appeared before this committee when Judge Harris was the U.S. attorney to discuss with the committee and Ms. Just publicly some of our concerns.

To this date, I would be less than candid if I didn't tell the committee that while we understand the problems that the Parole Board faces, and we certainly understand the problems the city is facing in terms of the prison situation, that our concerns are still extent, that they are as serious as ever, and that during the course of this proceeding today we would hope for a give and take in a discussion of the specific cases that the committee has asked for comment on by the Parole Board to demonstrate why we are concerned, and to draw from those specific cases some general comments that we think would be of assistance to the committee evaluating the problem that you have outlined this morning.

OVERCROWDING RESPONSIBLE FOR SOME RELEASES

Senator SPECTER. Mr. diGenova, do you believe that an overcrowding in the prisons is responsible for release of some on parole where the parole ought not to be granted?

Mr. DIGENOVA. Yes.

Senator SPECTER. What is your basis for that?

Mr. DIGENOVA. I think the best way to look at that is to see what has been the policy of the city vis-a-vis the overcrowding situation.

No. 1, remember the actions of an individual or a body do not occur in a vacuum, and it has been the policy of the city administration to in fact submit legislation to the City Council and to discuss what I call premature release of those duly convicted of crimes into the community to alleviate overcrowding.

We begin with that premise. That is the policy of the city.

Senator SPECTER. The policy of the city is to release people on parole with a factor to be considered overcrowding of the jails?

Mr. DIGENOVA. That is the statement made by the Mayor and others, overcrowding, what they call early release and I call premature release. You do that, by the way, by the Parole Board releasing individuals into the community. I think when we look at the specific cases today, we will see our concerns were well founded.

WORK RELEASE PROGRAM

Senator SPECTER. Before we get to the specific cases, what is the relationship, if any, between the work release program and the parole program?

Mr. DIGENOVA. The work release program is run by the Department of Corrections under this authority to put into the community individuals who they believe qualified for preparole release into the community.

Senator SPECTER. Work release postulates being out of custody during the workday and returning to custody at night?

Mr. DIGENOVA. That's right, and practically under no supervision at all during that period of time.

Senator SPECTER. And your comments as reflected in the media have been critical of the work release program, correct?

CASE OF JOHN ERBY

Mr. DIGENOVA. My comments were critical particularly in the case of John Erby, a case where there had been an attempt on the part of our office for 7 years to advise the Corrections Department of the inadvisability of releasing Mr. Erby once again into the community after he had been arrested on numerous occasions——

Senator SPECTER. What was Mr. Erby's record that led to that conclusion?

Mr. DIGENOVA. Mr. Chairman, this is unrelated to the Board of Parole. The Erby case is a Department of Corrections problem. Ms. Just—I am sure she is happy to hear me say—was not in any way involved in the Erby case, nor was the Parole Board. It was a Department of Corrections decision.

Mr. Erby was convicted in 1965 of first-degree murder, and was serving a mandatory life sentence of 20 years to life. Ten years after he was into that conviction, he was released for the first part of his work-training rehabilitation into the community, after having been transferred from maximum security at Lorton into minimum security, thereby making him eligible for a work release program.

Senator SPECTER. When you say mandatory 20 years to life, does that mean he is eligible for parole after 20 years?

Mr. diGenova. That is correct.

Senator Specter. And he cannot be released on parole unless there is a commutation of his minimum sentence?

Mr. diGenova. That is correct.

Senator Specter. When was he first released on this 20-year-to-life sentence?

Mr. diGenova. He was put in minimum security in January 1975, and was then released for the first time on April 24, 1975, from Lorton, 6 days a week, 7 hours a day, to work at a courtesy patrol.

Senator Specter. Was his first-degree murder conviction a felony murder?

Mr. diGenova. Yes.

Senator Specter. Robbery?

Mr. diGenova. During the burglary of a residence.

Shortly thereafter, the defendant was, on October 19, 1976, arrested and charged with a dangerous drug violation. He was released during that period of time subsequent to that into the community, and was arrested and indicted on four counts of distributing heroin to an undercover police officer in 1976. He was remanded to Lorton maximum security, and remained there until 1979.

There were four mistrials in his case in the U.S. district court for a various number of reasons, and eventually the fourth mistrial led to a dismissal of the charges against him for obvious due-process reasons.

RESOCIALIZATION

In 1979, he was put again in minimum security, was released in 1979 to the custody of his girl friend, Rosalyn Fowler, for what was termed "resocialization." According to Lorton officials, this form of release is granted once a month for a period of 72 hours during which time the defendant is unsupervised, and need not report back to Lorton. The degree to which this offends public safety should be evident to the committee.

From April 1980 to May 1980, the defendant, Mr. Erby, resumed his 6-day a week, 9-hour day work training program that he was in. This furlough was temporarily interrupted when on May 23, 1980, several armed intruders broke into Lorton and killed an individual with whom the defendant was familiar. Since Lorton officials feared for his safety, he was temporarily transferred back to Lorton maximum security.

He was returned to minimum security in July 1980, began work training furlough again, 6 days a week, 13 hours a day, which continued through July 1981.

He was arrested for the third time while on a work training furlough, and charged with possessing drugs and a pistol.

Senator Specter. What was the date of that arrest?

Mr. diGenova. July 21, 1981. And, however, he continued to be released during that period of time subsequent to that arrest. He was then at that point released into the custody of one of his codefendants in the original murder case, which was no doubt a surprise to individuals in the community. He was placed in the custody 6 days a week, 13 hours a day, of Mr. Rosier Brown, who had an organization called the Inner Voices.

Senator SPECTER. Because of the shortness of time, could you skip ahead to the final incident which triggered this——

Mr. DIGENOVA. Yes, sir. Eventually, on November 18, 1982, Mr. Erby was arrested in the 900 block of D Street and charged with carrying a pistol without a license.

On October 24, 1983, following trial, a jury found him guilty of carrying a pistol without a license, unregistered firearms, and unregistered ammunition. Because he had previously been convicted of three felonies, the court imposed the maximum prison terms available in this situation, which were a 10-year term, 3 to 10 years for carrying a pistol without a license, 1 year consecutive on the unregistered firearm, and 1 year consecutive on the unregistered ammunition.

My concern at the time of this case, Mr. Chairman——

Senator SPECTER. Has he been released since that time?

Mr. DIGENOVA. No. Because of our request to the judge, he has been sent to Leavenworth, Kans., where no doubt he will not be released into the community on a work program. They are not famous for that sort of activity at Leavenworth. We understand that Mr. Erby is extremely disturbed that our office requested he be sent to Leavenworth, to one of the most top maximum security institutions in this country.

We are delighted that the judge agreed with us, and we are more delighted that the Bureau of Prisons agreed that in order to prevent corrections officials here from releasing him into the community again, he would be sent somewhere where that would not happen.

CASES SELECTED FROM PAROLE BOARD LIST

Senator SPECTER. Mr. diGenova, I would like to turn to the specific cases which we have asked be studied by the Parole Board and by your office as well, to try to get some understanding of the standards which have been used.

The first case I would like to take up is Mr. William F. Vaughan, who has been arrested, according to the staff summary, on 17 occasions in the last 13 years on larceny and drug charges, perhaps minor larceny charges. He was arrested for parole violations on February 13 and March 17, 1982, and his parole was revoked on November 10, 1982. According to the report, he was on probation parole on four occasions, and his adjustment was described as poor.

Are you familiar with the Vaughan case?

Mr. DIGENOVA. What we did, Mr. Chairman, was take some selected cases from the rather lengthy list that was given by the Parole Board. That was not one of the cases that we focused on because of the shortage of time in which to analyze the rather lengthy list.

We have submitted this morning to Mr. Leeth an analysis of a selected number of cases that we went through in order to get as much information as possible in a select number of cases so that we could be responsive this morning. And we just finished that analysis this morning.

Senator SPECTER. All right. I understand that the case involving Mr. Stokes is one of the cases that you have in mind. According to the information I have, he was serving 1 to 3 years for prison breach when he was paroled. A prior record includes eight arrests as a juvenile and eight as an adult. I don't have the number of convictions, and that of course is more significant than the arrest figure.

The case for which he was serving time on the escape was a 1974 armed robbery and murder charge. His educational level was reported to be ninth grade. There are unverified reports that he had a GED from the Federal Bureau of Prisons.

Is that one of the cases that you have with you?

Mr. DIGENOVA. Yes, Mr. Chairman.

Senator SPECTER. Do you have a judgment on that case?

Mr. DIGENOVA. Mr. Chairman, let me indicate what we did. We understand, certainly, that we have gone through and tried to analyze whether or not what information we had would lead us to question this decision, and of course we do, and our judgment is that our records show that in September 1975 he was sentenced under the Youth Corrections Act for up to 10 years. In addition, our records indicated that he was sentenced——

Senator SPECTER. For what reason in September 1975, was he sentenced to 10 years?

Mr. DIGENOVA. For uttering.

Senator SPECTER. For what? I did not hear you.

Mr. DIGENOVA. For uttering. In other words, passing forged documents.

Senator SPECTER. That doesn't sound right, 10 years for uttering?

Mr. DIGENOVA. Well, this is under the Youth Corrections Act. The rehabilitation period can be extended for a lengthy period of time in evaluation periods under that act.

In addition, our records show he was sentenced under terms of that same act for up to 23 years for the offenses of second-degree murder, armed robbery, two counts, and carrying a pistol without a license.

In April 1982——

Senator SPECTER. Second-degree murder and two counts of armed robbery?

Mr. DIGENOVA. Two counts of armed robbery and carrying a pistol without a license.

Senator SPECTER. What date was that?

Mr. DIGENOVA. Same date, September 1975.

Senator SPECTER. That sounds like the 10-year term, as opposed to the other.

Mr. DIGENOVA. Yes; he was transferred in 1982 to a community correctional center, and on June 23, about 2 months later, he absconded from that center. He was not apprehended until August 1982, when he was arrested on a larceny charge.

Now, in the explanation given to the committee, the Board suggests that the prisoner had been in custody for some 24 months prior to the hearing on the prison breach conviction. Our records show that the prisoner was not arrested until August 27, 1982, and only some 18 months had passed since his arrest.

QUESTIONING OF BOARD DECISIONS

The question we would have about that is on what basis, on what would the Board rely, for example, and we are not privy to their decision, to suggest that the prisoner had been in custody for a 24-month period. The prisoner absconded from a halfway house less than 2 months after he had been placed there in connection with a prior murder conviction. That escape occurred in June 1982.

Now, the Board based its decision on—according to the documents that we were shown—the prisoner's good participation in a stepping stone program, his having served 7½ years under a youth sentence, and the view that he appears to have matured considerably.

The questions that we would ask would be, for example, was the prisoner's parole on the murder and armed robbery conviction revoked as a result of the prison breach? If not, why not? If so, how much time was the prisoner required to serve on these convictions before he was paroled to the adult sentence on the prison breach offense, how much time had the defendant actually served on the prison breach conviction?

Now, the prisoner was in the stepping stone program, which frequently indicates the existence of a drug problem.

Senator SPECTER. Mr. diGenova, do you know what the result was of the larceny charge on which he was arrested in August 1982?

Mr. DIGENOVA. I don't have that in front of me right now.

Senator SPECTER. Are there any other convictions on——

Mr. DIGENOVA. It was not prosecuted in favor of the prison breach charge.

Senator SPECTER. And he was convicted on the prison breach charge?

Mr. DIGENOVA. Yes.

Senator SPECTER. What sentence did he receive on that?

Mr. DIGENOVA. He received 1 to 3 years.

Senator SPECTER. Has he been convicted on any other charges as far as you know?

Mr. DIGENOVA. Not at this time, not to my knowledge, Mr. Chairman.

Senator SPECTER. Ms. Just, I believe we have alerted you to our interest in these cases. Have you had an opportunity to review them?

STATEMENT OF BERNICE JUST

Ms. JUST. Good morning, Senator Specter.

I came prepared to make a statement, and had the expectation of being examined on the statement. I did not come prepared to discuss these cases, although I did know that you had asked for further information on several of these cases, but I don't have those files with me. I have the excerpts that we sent to you.

Senator SPECTER. We would be very pleased to receive your statement, and to the extent that you are in a position to comment, we would be interested in your comments on Mr. Stokes' case.

Let me understand that we did tell you of our specific concern about the Stokes case, did we not?

Ms. JUST. I understood you had questions about four or five cases.

Senator SPECTER. We had questions about six cases, which we identified.

Ms. JUST. I did not understand that you wanted to examine me on those cases this morning. If I had understood that, I would have brought the case files with me.

Senator SPECTER. Well, we really wish to examine the cases, Chairwoman Just. That is what we are interested in doing. To the extent that you would like to make a statement, we would be very pleased to receive it, and then we will talk about the Stokes case to the extent that you are in a position to do so

Ms. JUST. Thank you. This is a very brief statement, and I will read it.

Mr. Chairman, I wish to express my appreciation for the opportunity to continue our dialog with respect to the manner in which the parole function is being carried out in the District of Columbia. Parole serves a vital function in the criminal justice system, and we believe that the District has one of the finest parole systems in the entire country. This morning I would like to address several of the issues that have been raised about parole in the District during the past year.

Last Wednesday, February 29, 1984, Mayor Barry appeared before this committee and stated without equivocation that his administration is committed to doing whatever is necessary and prudent to provide citizens and businesses in the District of Columbia a safe and secure environment. In this regard, the Parole Board's release criteria are firmly based on our maintenance of community safety. This is foremost in our minds as we render our decisions, along with whatever seems to be the most effective treatment for individual applicants to prepare them to become useful members of society.

Let me make clear at the outset that parole is not a system of leniency such as pardon or commutation of sentence. Parole is, in fact, an extension of court-ordered punishment for criminal conviction which serves the community interest through the graduated supervised return of offenders back into the community. And it must also be understood that the vast majority of persons convicted of crime and sentenced to a corrections institution will eventually be returned to the community. These offenders, therefore, can either simply be cut loose at expiration of their sentences, or they can be released under parole supervision at what appears to be the optimal time and be assisted in their societal reintegration.

Parole boards were established to oversee the graduated supervised return of offenders to the community. On the basis of statutory provisions for parole eligibility, the District parole system is consistent with those of 14 States. It is more restrictive than the provisions of 23 States. As figure 1 shows, of the 50 States, only 10 have more stringent provisions affecting eligibility, exclusive of Maine and Connecticut, which do not have a parole system.

In April 1983, the U.S. Department of Justice, Bureau of Justice Statistics, published data showing comparative use of parole throughout the Nation in 1979. These data show the District's use of parole at below the median in each of the four regions and the Federal jurisdiction.

Specifically, in 1979, the most recent data available, 33 States and the Federal Government used parole more frequently than the District of Columbia. Clearly, the District's image of liberality in the eligibility standards and the use of parole is not warranted.

Regarding the question of whether the District has released a greater number of persons in response to the increased prison population, a review of the District's parole population in relation to the prison population between 1979 and 1983 reveals that the percentage of individuals on parole actually decreased, notwithstanding an increase in the prison population.

As figure 3 shows, in 1979 persons on parole constituted 42 percent of the sentenced population under the jurisdiction of the Department of Corrections—jail excluded. By 1983, that ratio had decreased to 36 percent. The increased prison population has not influenced the decisions that the Board made with reference to parole grants during those years.

QUESTION OF LENIENCY

Regarding the question of whether the Board has been too lenient in granting parole to those persons appearing before it, during 1983 the Board considered 1,208 initial applications for parole. As figure 4 shows, the Board granted 693, or 57 percent, of those applications; figures 5 and 6 show the month-to-month variation.

Regarding the issue of the failure rate of those who are granted parole, that is, those whose paroles are revoked because they commit a new crime or violate technical conditions of their release, figure 7 shows that the District's rate has averaged 10 percent over the past 5 years. Our analysis of the District's parole revocations during 1983 reveals that the majority are for the following reasons:

(1) Failure to cooperate with instructions of parole officers; (2) illegal possession, use, sale, or purchase of narcotic drugs or controlled dangerous substances; (3) failure to maintain employment; and (4) rearrest. With respect to the rearrests, the five most frequent new charges were drugs, robbery, larceny, burglary, and carrying a weapon, in that order of frequency.

Our data show direct drug charges as the largest rearrest category of parole violators, and we believe there is a high probability that drugs were a significant factor also in the other rearrest categories, even where direct charges were not filed.

In recognition of the serious implications of substance abuse in parole performance, the Board has made inclusion of drug counseling and treatment a mandatory component of parole release plans. In fact, it is the Board's perception that there is a correlation between educational and vocational achievement and reductions in the rate of recidivism. We therefore strongly encourage inmates to participate actively in substance abuse counseling in the institution prior to parole application.

Finally, Mr. Chairman, we welcome your continued attention to our operations, and we would be happy to have you accompany us to an institutional hearing where you can observe firsthand the decisionmaking process of the D.C. Board of Parole.

That concludes my statement, Mr. Chairman.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Chairwoman Just. Your prepared statement, with accompanying materials, will be inserted in the record.

[The statement follows:]

STATEMENT OF BERNICE JUST

I wish to express my appreciation for the opportunity to continue our dialogue with respect to the manner in which the parole function is being carried out in the District of Columbia. Parole serves a vital function in the criminal justice system and we believe that the District has one of the finest parole systems in the entire country. This morning I would like to address several of the issues that have been raised about parole in the District during the past year.

Last Wednesday, February 29, 1984, Mayor Barry appeared before this Committee and stated without equivocation that his Administration is committed to doing whatever is necessary and prudent to provide citizens and businesses in the District of Columbia a safe and secure environment. In this regard the Parole Board's release criteria are firmly based on the maintenance of community safety. This is foremost in our minds as we render our decisions, along with whatever seems to be the most effective treatment for individual applicants to prepare them to become useful members of society.

Let me make clear at the outset that parole is not a system of leniency such as pardon or commutation of sentence. Parole is, in fact, an extension of court ordered punishment for criminal conviction which serves the community interest through the graduated supervised return of offenders back into the community. And it must also be understood that the vast majority of persons convicted of crime and sentenced to a correctional institution will eventually be returned to the community. These offenders, therefore, can either simply be cut loose at expiration of their sentences or they can be released under parole supervision at what appears to be the optimal time and be assisted in their societal reintegration.

Parole Boards were established to oversee the graduated supervised return of offenders to the community. On the basis of statutory provisions for parole eligibility, the District parole system is consistent with those of 14 States. It is more restrictive than the provisions of 23 States. As Figure 1 shows, of the 50 States, only 10 have more stringent provisions affecting eligibility, exclusive of Maine and Connecticut which do not have a parole system.1/

In April 1983 the U. S. Department of Justice, Bureau of Justice Statistics, published data showing comparative use of parole throughout the nation in 1979. These data show the District's use of parole at below the median in each of the four regions and the Federal jurisdiction (see Figure 2). Specifically, in 1979, the most recent data available, 33 States and the Federal government used parole more frequently than the District of Columbia. Clearly, the District's image of liberality in the eligibility standards and the use of parole is not warranted.

Regarding the question of whether the District has released a greater number of persons in response to the increased prison population, a review of the District's parole population in relation to the prison population between 1979 and 1983 reveals that the percentage of individuals on parole actually decreased notwithstanding an increase in the prison population. As Figure 3 shows, in 1979 persons on parole constituted 42% of the sentenced population under the jurisdiction of the Department of Corrections (jail excluded). By 1983 that ratio had decreased to 36%. The increased prison population has not

---

1/ Sourcebook of Criminal Justice Statistics, 1982, pp. 188-190.

influenced the decisions that the Board made with reference to parole grants during those years.

Regarding the question of whether the Board has been too lenient in granting parole to those persons appearing before it, during 1983 the Board considered 1,208 initial applications for parole. As Figure 4 shows, the Board granted 695 or 57% of those applications.2/ (Figures 5 and 6 show the month to month variation.

Regarding the issue of the failure rate of those who are granted parole, i.e., those whose paroles are revoked because they commit a new crime or violate technical conditions of their release, Figure 7 shows that the District's rate has averaged 10% over the past five years. Our analysis of the District's parole revocations during 1983 reveals that the majority are for the following reasons: (1) failure to cooperate with instructions of parole officers, (2) illegal possession, use, sale, or purchase of narcotic drugs or controlled dangerous substances, (3) failure to maintain employment, and (4) rearrest. With respect to the rearrests, the five most frequent new charges were drugs, robbery, larcency, burglary, and carrying a weapon, in that order of frequency.

Our data show direct drug charges as the largest rearrest category of parole violators and we believe there is a high probability that drugs were a significant factor also in the other rearrest categories, even where direct charges were not filed. In recognition of the serious implications of substance abuse in parole performance the Board has made inclusion of drug counseling and treatment a mandatory com-

---

2/ An additional 623 parole grants were made in rehearings.

ponent of parole release plans. In fact, it is the Board's perception that there is a correlation between educational and vocational achievement and reductions in the rate of recidivism. We therefore strongly encourage inmates to participate actively in substance abuse counseling in the institution prior to parole application.

Finally, Mr. Chairman, we welcome your continued attention to our operations and we would be happy to have you accompany us to an institutional hearing where you can observe at firsthand the decision-making process of the D. C. Board of Parole.

FIGURE 1

Statutory provisions for parole eligibility

States requiring less than 1/3 of sentence

Arkansas
California
Delaware
Hawaii
Idaho
Iowa
Kansas
Kentucky
Maryland
Massachusetts
Michigan
Minnesota
Nebraska
New Hampshire
New Jersey
North Dakota
Ohio
Oregon
South Dakota
Utah
Vermont
Washington
Wyoming

23

States requiring 1/3 of sentence

Alabama
Alaska
Georgia
Louisiana
Montana
Nevada
New York
Oklahoma
Pennsylvania
Rhode Island
South Carolina
Texas
Virginia
West Virginia

14

States requiring more than 1/3 of sentence

Arizona
Colorado
Illinois
Indiana
Mississippi
Missouri
New Mexico
North Carolina
Tennessee
Wisconsin

10

District of Columbia statute establishes parole eligibility at expiration of minimum term or 1/3 of flat sentence.

Excludes Florida with indeterminate provision.

Excludes Connecticut and Maine with no parole.

SOURCE: Sourcebook of Criminal Justice Statistics, 1982, pp. 188-190.

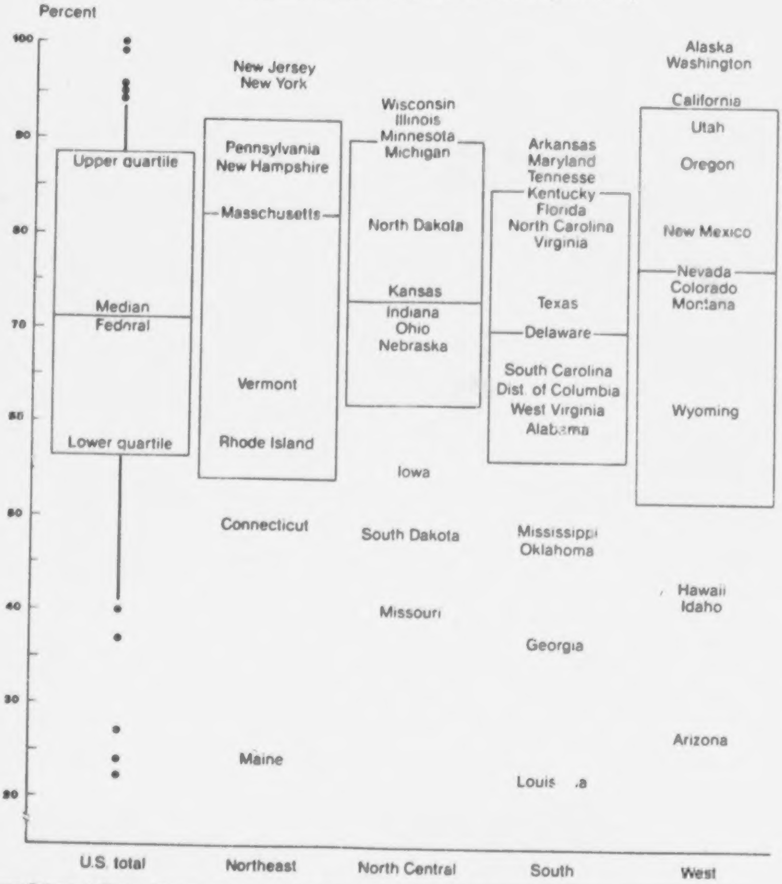
Figure 2

Parole use during

1979

by region and state

(50 states, District of Columbia, and federal jurisdiction)

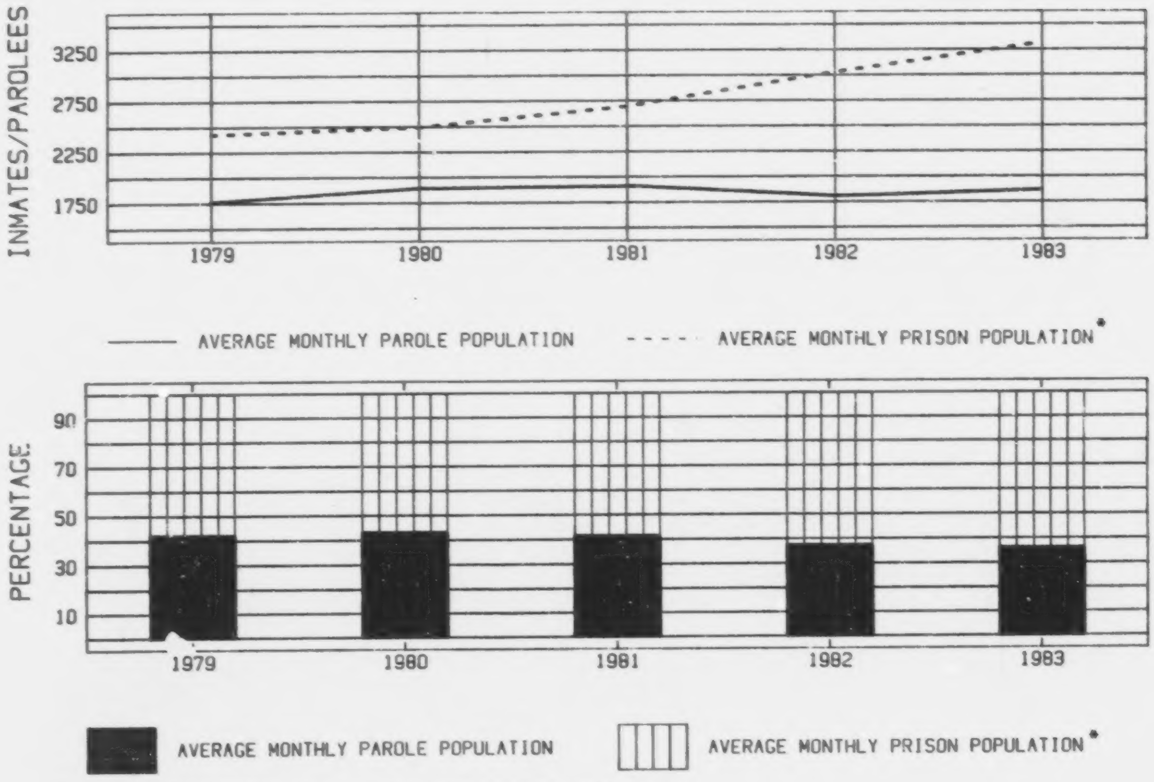


Source: *Prisoners in State and Federal Institutions on December 31, 1979,* Tables 10 and 13. See appendix Table A 1 for the values used to prepare this figure.

Note: This box plot format is a display of the percentage use of parole in each state. It is also a display of national and regional medians and ranges for state use of parole. A box has been drawn around the inner quartiles in each region, so that half the region's states appear within its box. A horizontal line drawn inside each box indicates the median—that is, half the states are at or above and half below this line. Vertical lines extend above and below the leftmost box to the upper and lower deciles of the U.S. total. 5 states (the upper 10%) are above the end of the line extending upward and 5 (the lower 10%) are below the end of the line extending downward.

FIGURE 3

RATIO OF D.C. PAROLED TO PRISON POPULATION



*EXCLUDES INMATES IN D.C. JAIL AND FEDERAL FACILITIES

FIGURE 4

DECISIONS AT INITIAL PAROLE HEARINGS IN 1983

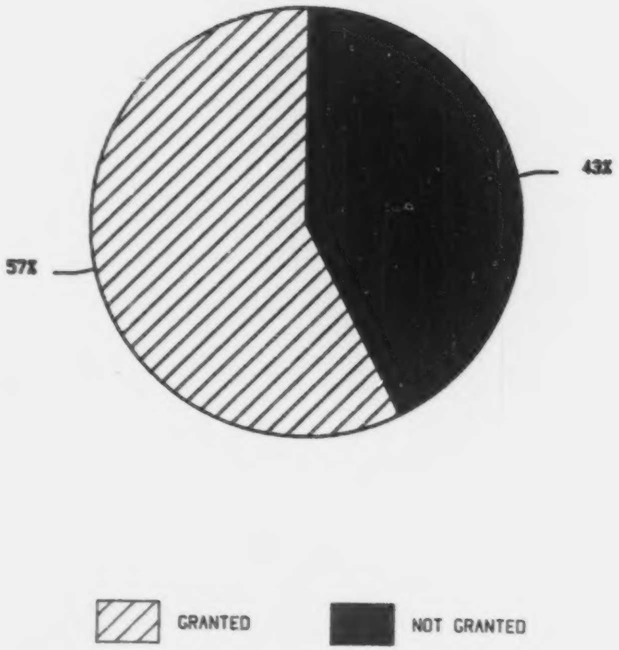


FIGURE 5

PAROLE DECISIONS AT INITIAL HEARINGS

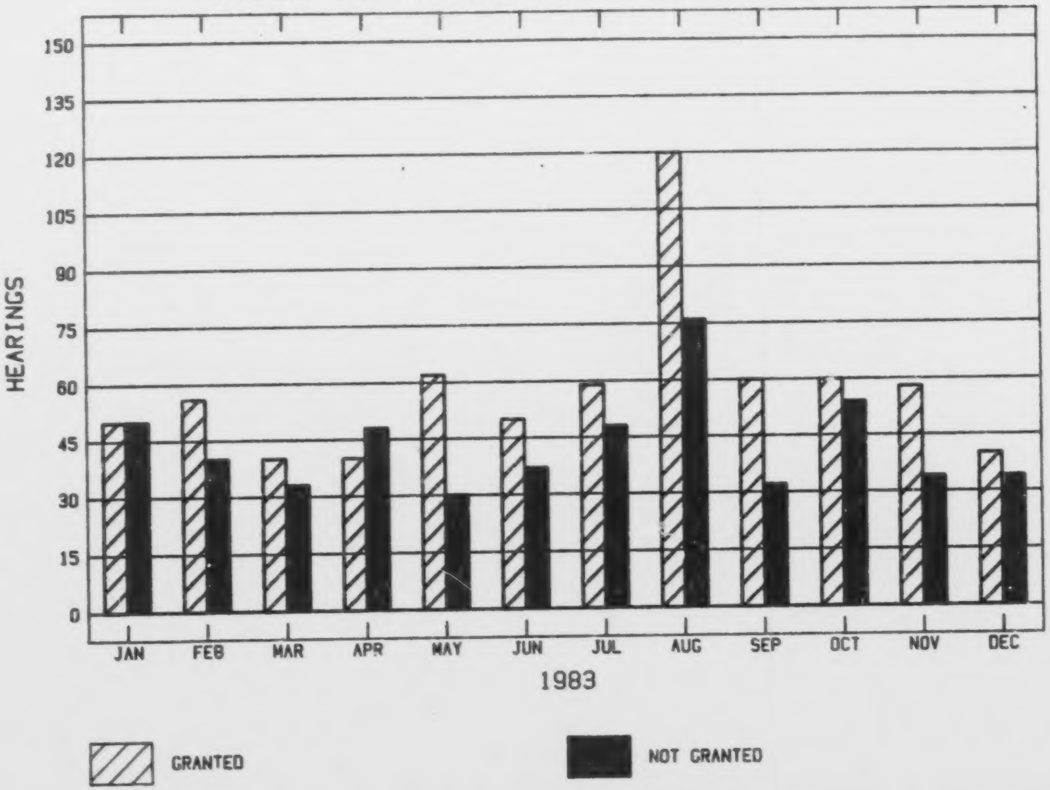


FIGURE 6

INITIAL PAROLE HEARINGS IN 1983

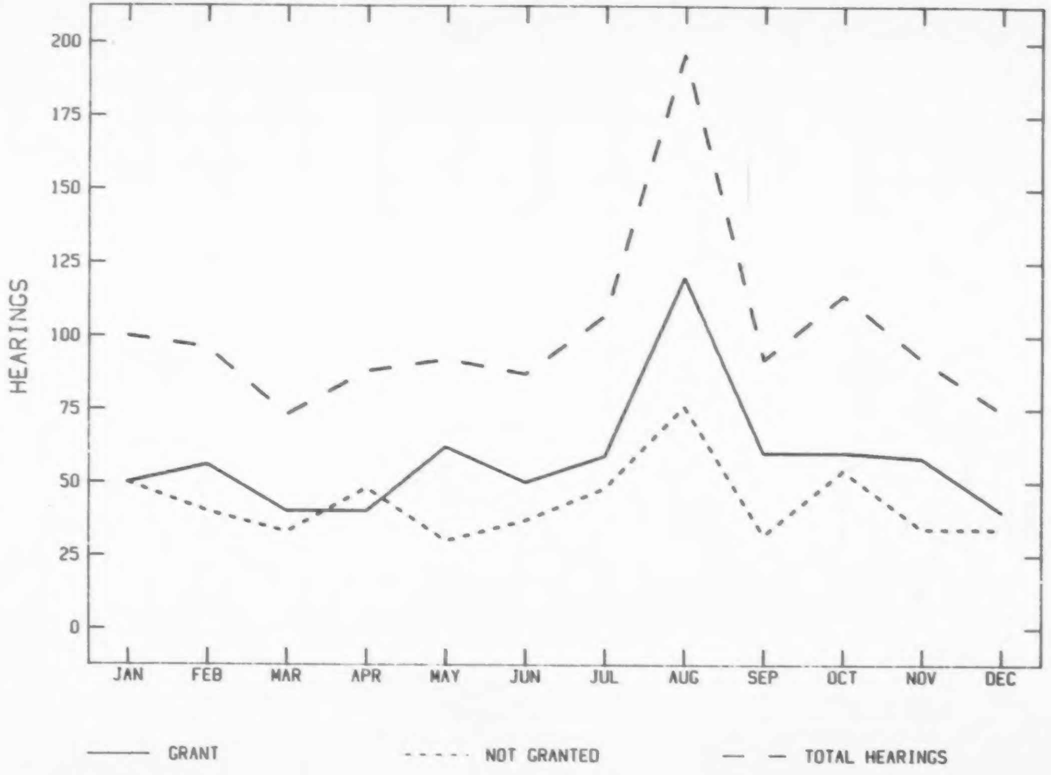
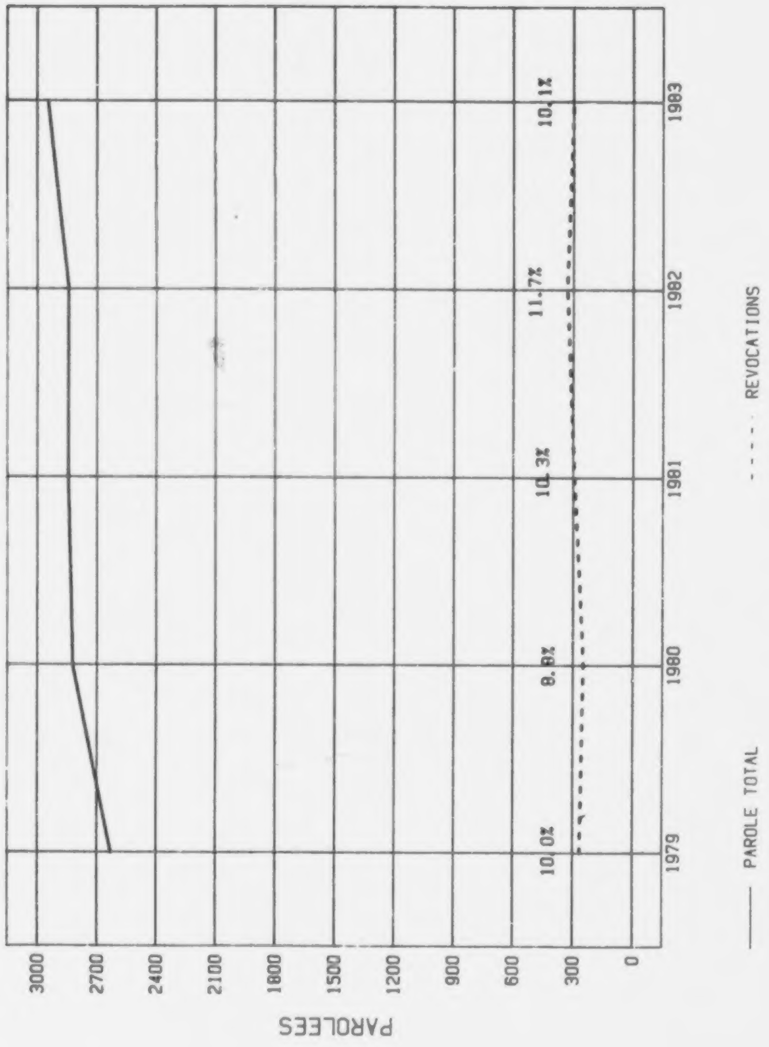


FIGURE 7

PAROLE FAILURES 1979 - 1983



CASE NO. 179607

Senator SPECTER. On the materials that you provided to the subcommittee, I note on page 1 that the records that you provided, DCDC 179607 Parole Eligibility, has the offense "prison breach," sentenced to from 1 to 3 years, custody prior to hearing, 24 months 20 days. The facts about the case and the information follow.

The question that I would like to start with is, how can you make the decision on parole without knowing the facts about the underlying charge?

Ms. JUST. We can't. We cannot, and we do not.

Senator Specter, this material that we sent to you regarding the parole decisions that were made in January 1984 was assembled over a weekend, assembled and typed. That means all the files were drawn and the cases selected and summarized and typed. This was done between late Friday and Monday morning.

Therefore, you have an abbreviated statement here.

The information that has been entered here is information not in the file. There was no information in our file on the weekend that we prepared this case.

Senator SPECTER. Do you have some other file that you examined?

Ms. JUST. At the time of the hearings, we also have available to us the institutional file. Frequently, the Board file does not contain the presentence report. The institutional file does. Occasionally, the institutional files does not have a presentence report, in which case we may not make a decision, but will continue that case for further information. In this case, we did not have it in our own files.

Senator SPECTER. Chairwoman Just, I am a little bit at a loss as to the statement you made about considering it over the weekend. Did you have insufficient time to respond to the subcommittee's request?

Ms. JUST. Yes, sir, I would say that we did, but we did it anyway.

Senator SPECTER. How much time do you need? We had these hearings on the Parole Board several months ago, and we have announced our intention, the subcommittee, to proceed with an analysis of specific cases to find out what standards are being applied.

Ms. JUST. We were informed on late Thursday afternoon that you wished to have this material on the following Monday.

Senator SPECTER. Which Thursday afternoon was that?

Ms. JUST. This was on——

Senator SPECTER. Last Thursday afternoon?

Ms. JUST. No, no. We submitted this material about 2 weeks ago, I think.

Senator SPECTER. There has been time, then, since that point for you to have a further review of the files to become familiarized with the case, hasn't there?

Ms. JUST. Senator Specter, when we were asked to prepare this material for you, we prepared it and we submitted it, and we heard no more about it until a day or two ago when we understood that you were interested in some specific cases here.

PURSUING CASES AT THE HEARINGS

Senator SPECTER. Weren't you told at the time that we asked you for the specific information that we were going to be pursuing a hearing on these specific cases?

Ms. JUST. No, sir. You mean the cases 3 days ago, 2 days ago?

Senator SPECTER. The ones that you have presented to us some 2½ weeks ago.

Ms. JUST. No; we were not told that. We were told you were interested in looking at the parole decisions that had been made in January 1984, and could we get this information to you, and that is what we did.

Senator SPECTER. We are not in a position to do very much on this hearing if you don't have your files, and you were not aware of our interest in examining these cases. Tell me, what did you think we wanted to do? Why do you think we asked you about these cases? I am a little at a loss to understand what you think we are doing here.

Ms. JUST. Senator Specter, I came to the hearing last Wednesday hoping to get some insight into the purpose of today's hearings, and you announced at that time that you intended to examine me today with reference to the question of whether our Board is affected by the prison overcrowding situation in making decisions——

Senator SPECTER. I did not make any reference to your testimony, Chairwoman Just. I made a comment that I was concerned about the parole standards as to whether there were releases because of overcrowding conditions in the prisons, and I made that comment in addressing the Mayor and the Director, but I did not say anything about your testimony.

INFORMATION REGARDING SPECIFIC CASES

But my concern here is on that broad question, but in order to make an inquiry on that question it is necessary to go behind the generalized conclusion and see what you are doing in specific cases, because it is insufficient to have a statement that you are not concerned about prison overcrowding when you make judgments on parole.

I want to know about specific cases. I want to know what is going on in cases like the one I am discussing at the present time.

We are going to have to put this hearing off for a brief period of time so we will be on the same track. So you will understand what I want to do, I want to take specific cases, and I want to understand what standard you have on parole, with records in front of you. When you appear here next, if you are willing to do so, I would like you to come with the full file and come prepared to discuss the cases so we know what you are doing.

Ms. JUST. All right, Senator.

Let me just say that in general terms the basis for the Board's making a decision, and in fact I spoke with one of the senior judges about this last week, asking, "What do you expect to happen at the end of the minimum terms with reference to parole?" and his answer was that if there has been progress, satisfactory progress, shown in the institution, no problems, that the expectation is that parole would be granted.

Senator SPECTER. Do you consider the danger to the community at the juncture of release?

Ms. JUST. Yes; we do.

Senator SPECTER. Then it has to take in factors other than the ones you just articulated.

Ms. JUST. Of course, we make a subjective judgment as to the danger that the release poses to the community, and where we feel the person poses such a risk, we do not grant that parole.

USE OF PRISON AUTHORITIES' RECOMMENDATION FOR PAROLE

Senator SPECTER. To what extent, Chairwoman Just, do you consider the recommendation of the prison authorities on release on parole? I ask you that because in a number of cases that the staff has brought to my attention, parole has been granted over the objection of the prison authorities.

Ms. JUST. We do consider, we give great weight to, recommendations of the institution, but there are times when we don't agree with their recommendation, and that is one reason why there is a Parole Board operating independently, to make these decisions.

Senator SPECTER. We will continue with our examination of these specific cases, Chairwoman Just, and we will identify for you the specific cases that we would like to consider so that you can come prepared and talk about them at the hearing we will set just as soon as we can.

Pending examining of the specific cases, which are really the relevant factor in the judgment, is it your representation that the overcrowded nature of the prisons is not a relevant factor in considering early release?

Ms. JUST. It is not a relevant factor in our considerations, Senator Specter. It is not a relevant factor.

Senator SPECTER. You give no consideration at all?

Ms. JUST. We cannot. That is not for us to do.

Senator SPECTER. What is your reaction to that statement, Mr. diGenova?

Mr. DIGENOVA. Well, Senator, I take Ms. Just at her word, obviously. I wouldn't do otherwise. I must say that I am concerned about the environment in which decisions are made, as any public official should be. I hadn't seen Ms. Just's statement. I notice she spoke about the percentage of people being paroled going down. I would like to know, however, whether the raw numbers have gone up in terms of how many people were actually paroled in 1983 versus 1982. For example, I think that might be educative of the committee.

RECONVICTION RATE OF PERSONS ON PAROLE

I would like to, however, respond to something that occurred at the last hearing in which you inquired of one of the members of the Board, I believe it was Mr. Gibson, about the reconviction rate of individuals who had been rearrested while on parole.

Some statistics were given to the committee which we have since discovered, I think through Mr. Gibson's inadvertence, were inaccurate. Those statistics for the record, we have taken a look at, and the question that you posed was what was the conviction rate of those who had been rearrested while on parole, and it was an extremely low one which Mr. Gibson gave the committee based on some unfortunate assumptions he made.

According to the Department of Corrections, in 1983, 1,503 parolees were arrested while on parole—that was 1982, pardon me. The total conviction rate thusfar of those individuals for felonies is 37-percent, and a 46-percent conviction rate in misdemeanors—a 37-percent conviction rate in felonies and a 47-percent conviction rate in misdemeanors—and many of those cases are still pending in the system. That is a substantially higher percentage than one would have imagined from the statistics originally given to this committee at the last hearing.

I think Mr. Gibson merely mixed apples and oranges and got confused. I don't believe there was any effort to mislead the committee, obviously.

Senator SPECTER. What conclusion did you draw, Mr. diGenova, about the statistics on rearrests on conviction on those who have been released on parole?

Mr. DIGENOVA. It indicates to us, Mr. Chairman, that while we can understand the Board's desire to take certain risks, and of course that is part of parole, as Ms. Just has indicated, our concern must be after the expenditure of great resources by the society in terms of police work, prosecutor work, judicial work, and jury work, with whether or not the public safety is being affected by release decisions.

It is apparent that these conviction rates that the public safety is being affected by release decisions, and we think, of course, that that is one of the reasons that the Senate overwhelmingly voted, 91 to 1, recently, to abolish Federal parole and establish various new mechanisms to deal with the release of individuals back into society after they have been convicted.

These figures on releases and rearrests disturb us greatly, and they are indicative of a problem in the release decision. Indeed, we believe they are the best evidence.

PAROLE DECISIONS PRESSURED BY OVERCROWDING

Senator SPECTER. Chairwoman Just, let's go back to the question about overcrowding. The testimony that you gave on a hearing on July 20, 1983, I take to be somewhat at variance with what you say now. Let's go into the specifics. I asked you a question at that time, and it is subject to some interpretation, but let's discuss it for a moment. I asked you this question, which appears on page 31 of the record:

> To what extent are you pressured or pressed or influenced to release on parole because of overcrowding conditions of the institution?

You answer, Ms. Just:

> This has not been primary. Of course, we cannot be unaware of the fact that public safety is also affected by overcrowding of the institutions, but that has never been our primary consideration. Now, in the marginal case, particularly with reference to the issuance of a warrant, we may, as the Board, not issue the warrant.

Let me make this available to you.

> Now, the marginal case, when you have the testimony before you, particularly with reference to the issuance of a warrant, we may tilt toward not issuing a warrant unless the evidence is very clear and strong to protect the public safety we need to. So what I am saying is this is not a primary force in our decision, nor does it appear anywhere as a factor in our decisionmaking process.

Now, in the course of that testimony, you say this is not primary, which suggests to me that it is secondary or somewhere relevant in your thinking. Am I incorrect in that conclusion?

Ms. JUST. I certainly didn't mean to suggest, Senator Specter, that we ever considered the question of overcrowding in making a release decision. I don't agree that there is inconsistency here because what I said to you in the summer was that, of course, we are aware of the overcrowding, as everyone is, but the difference is that when a person is being considered for the issuance of a warrant, and let me just say parenthetically that it is the policy of the Department of Corrections to request a warrant at any time that they can cite a violation of parole. For example, if—and this need not be purely because a person has been rearrested—if a person has returned to the use of drugs, the Department of Corrections will have a policy to routinely issue a request for a warrant.

When I said that in a marginal case the overcrowding may tilt us against issuing a warrant if we don't perceive a risk to the community, I would stand by that. We are not at this moment faced with overcrowding in the jails, but certainly when overcrowding was a major factor, we gave some consideration to that.

Senator SPECTER. You gave consideration for what?

Ms. JUST. Whether we would issue a warrant for technical violation of parole.

Senator SPECTER. So the overcrowding was a factor at least whether you brought back into custody someone who had, as you said it, technical violations?

Ms. JUST. That is right, but it has never been a factor when we made our decisions with reference to the release of a person.

Senator SPECTER. When you say a technical violation, you don't mean to disparage the seriousness of the violation?

Ms. JUST. Not at all.

Senator SPECTER. What you are saying today is that whether somebody is on the street would be influenced by the overcrowded conditions of the prison as it would relate to rearrest and bringing them back?

Ms. JUST. What I am saying, Senator Specter, is that back last spring and summer, when the element of overcrowding was overriding in the D.C. jail, that we would, in the matter of making a decision to issue a warrant or not to issue a warrant in a marginal case, then we did consider the overcrowding at the D.C. jail, considering that the offense was not one that was serious and that really put the community at risk.

MOST SERIOUS OF TECHNICAL VIOLATIONS

Senator SPECTER. What is the most serious of the so-called technical violations?

Ms. JUST. The most serious one is losing contact with the parole officer, and in those cases, regardless of the overcrowding, we would issue a warrant.

Senator SPECTER. What is the most serious of the so-called technical violations for which you would not issue a rearrest warrant, considering the overcrowded conditions?

Ms. JUST. Let me see. Senator, when we are considering whether or not to issue a warrant, we have before us a full report from the parole officer.

Senator SPECTER. Deal with me on technical violations, Chairwoman Just.

Ms. JUST. That is what I am doing, and I am trying to recall an example. One is not coming to my mind at this moment, but in any event, we have a full report from the parole officer which states where the person lives, what the nature of his employment is, whether he has in general shown satisfactory conduct, but let's say that he was under drug surveillance and surrendered during that——

Senator SPECTER. I am not following you. Would you repeat that, please?

Ms. JUST. I am setting up a case of a person who is the subject of a warrant request because urine analysis under drug surveillance indicates the presence of illegal substances.

There is an example of our considering whether we would perhaps make a decision not to issue a warrant if all other——

Senator SPECTER. If the urinalysis showed that the person was using drugs, that would be a technical violation?

Ms. JUST. Yes.

Senator SPECTER. Well, Chairwoman Just, that surprises me that you would classify that as technical. If a person is on drugs, isn't that a serious indication that that is a violation of parole and the person may be motivated to commit a murder or robbery to sustain the drug habit?

Ms. JUST. We have a question of semantics here. In the conditions of parole, we refer to that of rearrests as a new law violation, and all the other conditions as being technical violations.

Senator SPECTER. All right. You call it a technical violation. When you say technical, it has the flavor of being not too serious, but the substance of it is if somebody has urinalysis and drugs are in the urine, that would be a factor to not call for a warrant being issued when the jails are overcrowded?

Ms. JUST. And what we do in such a case is to order what we call a personal appearance and have the person come in before the Board, and——

Senator SPECTER. How long does that take?

Ms. JUST. How long does that take, the personal appearance?

Senator SPECTER. Yes.

Ms. JUST. It depends on the circumstances of the case.

Senator SPECTER. What is the shortest, several days at a minimum?

Ms. JUST. Oh, I see what you mean. I thought you meant the length of the hearing.

Senator SPECTER. What I am concerned about is the overcrowding problem, but I am concerned about any judgments that you make on it, and if you tell me that you have somebody who has drugs in the urine, and they are not immediately picked up, I am concerned if that person may be in a position to sustain the drug habit.

Ms. JUST. What we will do in such an instance, if we do not issue the warrant, and we do issue warrants in some cases purely because the person has returned to drug use and we feel that——

Senator SPECTER. I understand that you do, but I also understand that in some cases you don't. What I am trying to ascertain here, and it seems to me very difficult to get at these facts, what is the period of time that that person remains at liberty where the community is subjected to the possibility of another burglary or robbery to sustain the drug habit? That is what I am trying to find out.

Ms. JUST. Fine. I now understand the question. If we order a personal appearance to be scheduled, it may be 1 week or 2 weeks. The person is brought in, he is instructed that he must either get into a drug treatment program immediately or, in any event, he is not to continue in the use of drugs, and that a further progress report will be called for on this person within a period of 30 days.

DEFINITION OF TECHNICAL VIOLATIONS

Senator SPECTER. Chairwoman Just, I am concerned about that period of time. Are you concerned about it, Mr. diGenova? You are nodding yes. I don't want to deny you an opportunity.

Mr. DIGENOVA. I want to say that definitions frame the debate in a public discussion. If something is called technical violation, that makes it sound insignificant. Indeed, it allows the administrator to explain something later down the road. When the Chief of Police tells the public that 80 percent of the crime in this city is drug related, it seems to me it is not a technical violation that a parolee who has already been through the system, has been convicted, is supposed to be serving time, and paying a price to society is not immediately taken back in custody, we are not talking about the possibility of crime. We are talking about the 80 percent probability of crime.

I share your concern, in other words.

Senator SPECTER. That is a concern I have, Chairwoman Just. If you say that somebody who has drugs in their urine is not rearrested because the jails are overcrowded, then, as Mr. diGenova suggests, the community is being subjected to significant risk.

Ms. JUST. Well, we are speaking of somebody, and not everybody.

Senator SPECTER. If you are speaking about one, that is one too many.

Ms. JUST. Senator Specter, you asked me to give you some indication of when we would not have issued a warrant because of the overcrowding, and I have returned to the fact that last summer when the jail was dangerously overcrowded, that there was a time when we—in what we referred to as marginal cases—and I gave you the example right now, and spoke of an isolated dirty urine. I might as well have spoken of someone who was not working, because we consider unemployment a technical violation of parole, and by the use of the term "technical," this is not meant to in any sense denigrate the seriousness of parole violations. It is, as Mr. diGenova said, simply a selection of terms. We can change that term. It helps us to isolate those violations that relate to new arrests and conviction and those violations that don't.

Mr. DIGENOVA. Mr. Chairman, let me add to this question of drugs, which has come up by example from Ms. Just, and I understand that we are going to have to focus on more in the criminal justice system. As you know, last week the superior court started drug testing, which is drug specific, of all persons rearrested and coming back into the system. Tests were ordered last week just to get a sampling. Five people were tested. All five had PCP in their urine.

Now, it seems to me that we are getting signals from the individuals who come through the criminal justice system, we are getting signals from the Chief of Police about 80 percent of crime being drug related, and while I am not trying to build on what Ms. Just said by giving her example, I think we have hit on something here, and that is this question of drugs and what violations are important, and what are technical violations that ought to be of concern to us, and it means that we may have to reevaluate what a technical violation is.

Senator SPECTER. I would like to understand what is happening with the parole releases so this subcommittee can be of some assistance to you, if any assistance is required.

What we basically have is a situation where the U.S. attorney has pointed to a very high rearrest rate and a reconviction rate of people who are rearrested on parole, and Mr. diGenova has elaborated on that today.

PROPER STANDARDS FOR PAROLE

That raises an issue whether your standards for parole are proper or not. That is one thing I want to go into. There is a subordinate question of whether you need additional space in jails, and the literature is full of statements by authorities that people are released, where they would prefer to keep them, because of overcrowded jails.

In New York City, there are numerous people released because of a Federal order which mandates their release because of overcrowding. A California study has shown that people are released on parole because there are insufficient spaces in the jails. That may not be the case in the District of Columbia, or it may be the case. From what you testified here last year, I understood a fair reading of what you said was that although you deny this thing is a primary factor, it was some factor.

Maybe you have all the room you need. Maybe your standards are perfect, and so that is fine. But these are the concerns I have, and I want to get right at this and I want to come back next time prepared with the specific cases which we have identified, to try to understand what you are doing.

Mr. diGenova, I would like you to take a look at the same cases, because these high levels of generalization don't get us very far. We may have disagreements on the generalities, we may be defensive, or we may be looking for something that isn't there. But if we deal with specific cases, then we can begin to have some understanding of the application of the principle as to why.

ANOTHER HEARING TO DICUSS 10 CASES

I would like to do that 2 weeks from today, if that gives you sufficient time, Chairwoman Just.

Ms. JUST. All right.

Senator SPECTER. I would like to pick out 10 cases and be prepared to discuss them at that time.

SUBCOMMITTEE RECESS

Thank you very much. We will recess the hearing until March 27, and we will give you a room number, at 10 a.m.

[Whereupon, at 11:05 a.m., Wednesday, March 7, the subcommittee was recessed, to reconvene at 10 a.m., March 27.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

TUESDAY, MARCH 27, 1984

U.S. Senate,
Subcommittee of the Committee on Appropriations,
Washington, D.C.

The subcommittee met at 10:25 a.m. in room SD–124, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

Board of Parole

STATEMENT OF BERNICE JUST, CHAIRPERSON

ACCOMPANIED BY:
H. ALBION FERRELL, MEMBER
JOHN L. GIBSON, MEMBER

SUBCOMMITTEE PROCEDURE

Senator Specter. Good morning, ladies and gentlemen. We will commence the hearing at this point. I regret a somewhat late start. The Judiciary Committee is hearing a matter and one of the witnesses is Governor Dick Thornburg and I had wanted to be there very briefly, so I regret any inconvenience in keeping you waiting for a few moments, but we shall proceed at this point.

Mayor Barry could not arrange to be here until 10:30, and that is fine with the subcommittee. So we will take the Mayor when he arrives. We would like to proceed at this time to hear testimony on the subject of the Parole Board, which we had deferred from an earlier hearing to provide an opportunity to deal with some of the specific cases.

I would like at this time if Chairperson Just could step forward, along with U.S. Attorney Joseph diGenova and we will start.

Ms. Just. Senator Specter, I am requesting the presence of my fellow Board members at the table.

Senator Specter. That would be fine. Since they are here, we would welcome them here and very much appreciate their taking the time to join us.

The focus of attention that the subcommittee would like to pursue is to examine some of the individual cases, and the concerns which have arisen heretofore turn on the issue of appropriateness of standards and appropriateness of release in a context where some issues have been raised about the adequacy of prison facilities as that may bear on pressure, if any, on the Parole Board to have releases at a time which may be premature, or at least considered by some to be premature, and the overall issue about the resources of the Parole Board and the adequacy of the information which comes to the Parole Board in terms of the records before the Board.

My own sense is that this can best be handled for exploratory purposes by the case studies, and when we had this hearing several weeks ago we did not have enough facts to proceed on that basis and we have tried to get that material, which is what I would like to do at the moment.

The case that I would like to take up first, among those where we have provided notice to the Board—and names have been deleted, as I think it proper, so that there will not be any identification of specific people, but only an effort to examine underlying facts and see what the results have been.

What I would like to turn to first is D.C. Department of Corrections number 197789.

Ms. JUST. Senator, I request the privilege of making an opening statement which I have prepared, please.

Senator SPECTER. By all means, if you would like to make an opening statement.

Ms. JUST. Thank you.

PREPARED STATEMENT

Senator SPECTER. We have received your testimony, which will be made a part of the record, and we would be pleased to hear an opening statement.

[The statement follows:]

STATEMENT OF BERNICE JUST

At your request, Senator, I have returned to discuss a document handed to me by the United States Attorney only moments before my March 7, 1984, appearance before you. I shall also discuss the matters raised in your March 12, 1984, letter to me regarding the scope of this hearing.

Prior to focusing on the individual cases which have been identified by you, I would like to make some general comments which are pertinent to how, on what basis, and under what conditions the Board of Parole makes its decisions.

First, the Board's decisions are governed by D. C. Code, Section 24-204(a) which states:

> Whenever it shall appear to the Board of Parole that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his release is not incompatible with the welfare of society, and that he has served the minimum sentence imposed or the prescribed portion of his sentence, as the case may be, the Board may authorize his release on parole upon such terms and conditions as the Board shall from time to time prescribe. While on parole, a prisoner shall remain in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence without regard to good time allowance.

From this statute it is clear that the Board is bound by a standard of "reasonable probability"--

> "...reasonable probability that a prisoner will live and remain at liberty without violating the law."

The Board must also determine that a prisoner's release is not incompatible with the welfare of society. And, the Board must find that a prisoner has served the minimum, not the maximum, sentence imposed. Under D. C. Code, Section 24-204, the Board has promulgated rules and regulations which set forth specific factors to be considered in carrying out the mandate of Section 24-204. (See Title 9, District of Columbia Rules and Regulations, Section 105.1.)

Second. The Board imposes special conditions of parole in certain cases. For example, prisoners known to have a history of drug involvement are placed under surveillance requiring treatment and testing.

Third. No prisoner may be released on parole until there is a specific plan for his or her parole; this plan is developed by the prisoner's parole officer.

Fourth. The Board's practice is to deny parole on the first eligibility review to individuals whose record, as it has been presented to the Board, reveals a history of substantial or egregious criminal involvement.

Fifth. The Board cannot assume the guilt of a parolee who is arrested while on parole; under our system of law there is a presumption of innocence until one is proven guilty beyond a reasonable doubt.

Sixth. As a matter of policy, the Board does not automatically issue a retake warrant solely because of an arrest while an individual is on parole. This is especially true where the Courts release the parolee on his or her own recognizance, or if the Courts release an individual on bond.

Seventh. The Board has no computerized information system, but it has 12,000 case files for which it is responsible. Hence, it is dependent upon information supplied in a given case by the Department of Corrections, the United States Attorney, and the Courts.

Now let me move to the individual cases which I will identify only by number.

1. Case #197789. This individual was sentenced to 15 years under the Federal Youth Corrections Act, primarily for armed robbery. The United States Attorney tells us that this individual was processed as a career criminal by the United States Attorney's Office. To my knowledge that fact was never communicated to the Board by the United States Attorney or any other law enforcement official. Indeed, our records reveal that two juvenile offenses were dismissed in 1975; that there was suspended commitment to Cedar Knoll in 1975; that another juvenile case was closed in 1976; that an adult offense was no papered in 1977; that the prisoner was found not guilty of another adult offense in 1977; and that another adult offense was nolled in 1980. When the Board first reviewed this case, it concluded that the prisoner would have to participate in correctional programs for two years before parole could be granted. Indeed, in July 1983 the prisoner was denied parole because he had not completed his program of vocational training. At the time of the grant of parole in January 1984 the prisoner had a clear conduct record and a certificate in word processing.

2. Case #072865. This individual was sentenced to 1 to 3 years for parole violation, carrying a pistol without a license. When the Board reviewed the case of this prisoner, he had already been assigned to a halfway house by the Department of Corrections. The prisoner was originally sentenced in January 1983 to Danbury Federal Prison and was returned to the District on July 20, 1983. Individuals assigned to Danbury are scheduled to receive treatment for their drug problems. The prisoner, a 55 year old man, held a job and participated in a urine analysis program while a resident of the halfway house. There were no dirty urine results. Moreover, he worked well with staff at the halfway house, and had a positive and stable home situation. He was engaged to be married and he and his fiancee had plans to purchase a second home.

3. Case #197203. This individual was sentenced to 14 to 42 months for distribution of controlled substances and narcotics possession. The prisoner is a 47 year old woman with a medical disability which includes hypertension, heart murmur, and related illnesses. Prisoner admitted using amphetamines for 12 to 13 years. Prisoner was committed to the federal prison at Alderson on February 23, 1983. Her initial application for return to this jursdiction was denied in May 1983. Subsequently, in October 1983 she was accepted for parole consideration by this Board on the basis of her institutional progress and positive attitude as reported by the Alderson authorities. A condition of her release is narcotics surveillance.

4. Case #179171. This individual was sentenced to 3 to 9 years for robbery and unlawful use of a vehicle. In January of 1983 the Board denied parole to the prisoner because of continuing use of drugs while in minimum security. One year later, in January of 1984, he was accepted for parole; he was a participant in Phase III of the Stepping Stones Program. By January of 1984 prisoner had made substantial progress. He is

a licensed barber and was accepted for parole in part because of having a viable trade and good employment prospects. A condition of his parole is narcotics surveillance.

5. Case #153336. This individual was sentenced to 30 months to 10 years for assault with a deadly weapon. Prisoner was placed in a work training program in 1982. Although eligible for parole on January 5, 1983, prisoner was not granted parole until January 1984. When the Board reviewed his case in January 1984 he was already in the work release program and had performed satisfactorily for three months. Apparently prisoner was placed in institutional work release because of his outstanding record which included academic studies under the UDC-Lorton program. Prior to the granting of parole, the Board reviewed a psychological evaluation of the prisoner which indicated that the community would not be at risk if prisoner were granted parole. Moreover, in October of 1983 two urine samples proved positive with respect to opiates and marijuana, but eight subsequent tests, taken over the next several months, proved negative. In view of the above the Board granted parole with narcotics surveillance.

6. Case #179607. This individual was originally committed under the Youth Corrections Act to a term not to exceed 23 years for the offenses of first and second degree murder, armed robbery, carrying a pistol without a license, and uttering. He was designated to federal custody. In July 1981 he was returned to the Lorton Youth Center from the federal institution at Milan, Michigan. In March 1982 he was granted parole through work release to become effective on or after June 21, 1982. On June 23, 1982, he absconded from the halfway house. His parole grant was rescinded. On December 6, 1982 prisoner received a sentence of 1 to 3 years for prison breach. On January 31, 1983, the Board granted administrative parole to the adult sentence. (The Board had in fact recommenan adult sentence for this man in 1975.) During service of the new sentence prisoner's institutional adjustment was satisfactory. He worked as a tutor, assisting several young men in obtaining their GED certificates. He was given a favorable recommendation for parole.

7. Case #199474. This individual was sentenced to 1 to 3 years for attempted robbery. In May 1983 a detainer was lodged by Prince George's County; however, the detainer expired in August 1983. The basis for the Board's grant of parole in January 1984 was the prisoner's success in his pre-college program and his work as a clerk in the Motor Pool. The Board had no knowledge of a drug problem experienced by this man.

8. Case #179890. This individual was sentenced to 14 to 42 months for failure to appear and robbery. When the Board reviewed this prisoner's record, he had already been assigned to a halfway house by the Department of Corrections. Although he had three prior juvenile arrests, cases involving two of these arrests were closed by law enforcement officials. And although he had a prior armed robbery conviction, the sentence on that charge had expired by the time he was considered for parole. The individual was given six urine tests prior to parole and all six proved to be negative. In addition, he had a job as a permanent fulltime worker with the Department of Environmental Services.

9. Case 178448. This individual was sentenced to 16 months to 4 years for a Bail Reform Act violation and for possession of heroin. This individual had three prior arrests according to the record; he received a sentence of 3 months for sale and possession of narcotics in 1979; an information was filed in a Bail Reform Act violation, and a robbery charge was no papered (both charges were brought in October 1979). In granting parole, the Board concluded that the prisoner constituted a good prospect for parole in that he had had instruction in an employment skills program, participated in

Stepping Stones and received a good recommendation, had taken academic courses, and would reside with his family.

10. Case #176981. This individual was sentenced to 1 to 3 years for unlawful distribution of controlled substance (sold heroin to an undercover police officer). The Board was given no presentence report on this individual. At the time of the Board's review, the individual was in a work release program and in training at OIC.* On January 12, 1984, Judge Ryan gave this individual probation under the condition that he participate in a residential drug treatment program at Second Genesis. This individual is a Maryland resident who hopes to be paroled to Maryland. *(Opportunities Industrialization Center)

11. Case #194405. This individual was sentenced to 3 years for a Bail Reform Act violation, attempted burglary, and petty larceny. The Board first saw this individual on June 16, 1983. Because of his alcohol problem the Board continued the case. On January 17, 1984, the prisoner again appeared before the Board. Because he was scheduled for mandatory release on July 17, 1984, (with one month supervision prior to the end of his maximum prison sentence,) the Board decided that it would be advantageous to grant the prisoner parole; this was deemed important because of this individual's need for close supervision and support. The Board mandated alcoholism treatment.

12. Case #185702. This individual was sentenced to 13 months for possession of a controlled substance and for failure to appear under the Bail Reform Act. In April 1982 this individual was on parole. However, he could not demonstrate that he had a residence or a job. Therefore, his parole was revoked in June 1982 and he was continued to the expiration of his sentence in November 1982. On March 10, 1983 this man was arrested for possession of heroin and was rearrested on June 9, 1983 for failure to appear. He was sentenced on both charges on September 13, 1983, and became eligible for parole on November 4, 1983, with a mandatory release date of May 25, 1984. He was granted parole on January 17, 1984. However, under the policy of the Board he has not yet been released because no acceptable release plan has been developed. A condition of his parole is narcotics surveillance and participation in drug counseling.

13. Case #172361. This individual was sentenced to one year for carrying a deadly weapon December 12, 1982. This charge grew out of a domestic dispute at the home of the individual's mother-in-law, where his wife was staying. In November 1983 this individual became eligible for parole; he was granted parole on January 20, 1984. His mandatory release date is May 17, 1984. He was granted parole because of good prison adjustment and no disciplinary problems. Although this individual had prior convictions, including armed robbery and marijuana possession, all of these occurred prior to open heart surgery performed on him at the National Institutes of Health in 1979.

A careful review of the above cases demonstrates, in my view, that the Board has not arbitrarily or capriciously released any prisoner. On the contrary, the Board has applied the statutory principles of release found in D. C. Code, Section 24-204, and has imposed conditions of narcotics surveillance and drug or alcoholic treatment to assure that persons with a history of drug or narcotics involvement would not be released without proper safeguards. As I indicated earlier, the Board can only act upon the information presented to it. A review of one of these cases reveals that no presentence report was presented to the Board, and a review of the United States Attorney's comments indicates no awareness on the part of the Board that one individual was processed as a career criminal.

Finally, Senator, let me address the question posed in your recent letter regarding persons paroled in January 1983. In that month 41 persons were paroled. Although 13 were rearrested, our records show only two guilty pleas. One charge, a rape charge, was dismissed. Of the 13 persons rearrested, warrants were issued on five as a result of the new arrest, and a sixth individual was the subject of a parole violator warrant even prior to the new arrest. Of these six, parole was revoked for three, one case was reinstated to a Maryland detainer, one case was reinstated to an approved release plan with alcohol treatment and surveillance, and one warrant is still outstanding.

In seven of the 13 cases the individuals were continued on parole supervision pending outcome of the new charge. In one case involving assault and burglary II, the individual was released by the Court on personal recognizance. In another involving unlawful use of a vehicle the individual also was released by the Court. In yet another case involving possession with intent to distribute heroin, the individual was released by the Court on $1500 bond. One case involved a charge of forgery and the individual was also released by the Court. One other case concerned an individual who was paroled in February 1983, arrested in March 1983 on a narcotics charge, and released by the court on personal recognizance. In still another case, the individual was charged with robbery-snatch. This individual was released on $3000 bond after the Board declined to issue a detainer under the five day hold procedure. The Board subsequently issued a warrant to be executed after notice of a guilty verdict. In a final case of simple assault, an individual was sent to the D. C. Jail in lieu of $1000 bond. However, on January 27, 1984, the Court nolled the charge.

This review of the rearrests of a total of 13 of 41 persons granted parole in January 1983 reveals that the Board issued a total of seven warrants, that only three of the 13 cases concerned narcotics offenses, that the Board followed the lead of the Court in continuing six cases under parole supervision pending disposition of charge, and that the Board is aware of a finding or plea of guilty in four cases, a dismissal or nolle in four cases, and the other five cases are pending adjudication. Finally, of the four convicted of new violations, one received 1 year probation, a second received 3 months time served, a third received 60 days, and the fourth is not yet sentenced.

In conclusion, Senator, I wish to repeat that ours is a conscientious and hard working Board and staff. Our caseload includes approximately 2500 persons under active supervision. We maintain approximately 12,000 case files and have recently requested federal technical assistance to develop a computerized information system. We are dependent upon the receipt of accurate information from law enforcement agencies, including the Department of Corrections, the United States Attorney's Office, and the Courts. Finally, our conduct and actions are governed by specific statutory and regulatory provisions. A review of the record will show that we have rendered our decisions in a manner consistent with those provisions.

OPENING STATEMENT OF BERNICE JUST

Ms. JUST. Thank you. I am concerned about the public and the press that are here and, since it is a public hearing, I would like to make this accessible to everyone.

Senator SPECTER. That is fine.

Ms. JUST. At your request, Senator, I have returned to discuss a document handed to me by the U.S. attorney only moments before my March 7, 1984, appearance before you. I shall also discuss the matters raised in your March 12, 1984, letter to me regarding the scope of this hearing.

Prior to focusing on the individual cases which have been identified by you, I would like to make some general comments which are pertinent to how, on what basis, and under what conditions the Board of Parole makes its decisions.

First, the Board's decisions are governed by D.C. Code, section 24–204(a), which states:

> Whenever it shall appear to the Board of Parole that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his release is not incompatible with the welfare of society, and that he has served the minimum sentence imposed or the prescribed portion of his sentence, as the case may be, the Board may authorize his release on parole upon such terms and conditions as the Board shall from time to time prescribe. While on parole, a prisoner shall remain in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence without regard to good time allowance.

The Board must also determine that a prisoner's release is not incompatible with the welfare of society, and the Board must find that a person has served the minimum, not the maximum, sentence imposed.

Under D.C. Code, section 24–204, the Board has promulgated rules and regulations which set forth specific factors to be considered in carrying out the mandate of section 24–204. These are presented in title 9 of the District of Columbia Rules and Regulations.

Second, the Board imposes special conditions of parole in certain cases. For example, prisoners known to have a history of drug involvement are placed under surveillance requiring treatment and testing.

Third, no prisoner may be released on parole until there is a specific plan for his or her parole. This plan is developed by the prisoner's parole officer.

Fourth, the Board's practice is to deny parole on the first eligibility review to individuals whose record, as it is presented to the Board, reveals a history of substantial or egregious criminal involvement.

Fifth, the Board cannot assume the guilt of a parolee who is arrested while on parole. Under our system of law, there is a presumption of innocence until one is proven guilty beyond a reasonable doubt.

Sixth, as a matter of policy, the Board does not automatically issue a retake warrant solely because of an arrest while an individual is on parole. This is especially true where the courts release the parolee on his or her own recognizance or if the courts release an individual on bond.

Seventh, the Board has no computerized information system, but it has 12,000 case files for which it is responsible. Hence, it is dependent upon information supplied in a given case by the Department of Corrections, the U.S. attorney, and the courts.

In the interest of time, I will not go into the 13 cases, but I have given you in the statement a description of each case. I do want to go on to say that a careful review of those cases will demonstrate that the Board has not arbitrarily or capriciously released any prisoner.

On the contrary, the Board has applied the statutory principles of release found in D.C. Code, section 24–204, and has imposed conditions of narcotics surveillance and drug or alcoholic treatment to assure that persons with a history of drug or narcotics involvement would not be released without proper safeguards.

As I indicated earlier, the Board can act only upon the information that is presented to it. A review of one of these cases reveals that no presentence report was presented to the Board, and a review of the U.S. attorney's comments indicates no awareness on the part of the Board that one individual was processed as a career criminal.

PERSONS PAROLED IN JANUARY 1983

Finally, Senator, I would like to address the question posed in your letter regarding persons paroled in January 1983. In that month, 41 persons were granted parole. Although 13 were rearrested, our records show at this point only two guilty pleas. One charge, a rape charge, was dismissed.

Of the 13 persons rearrested, warrants were issued on 5 as a result of a new arrest, and a 6th individual——

Senator SPECTER. Chairwoman Just, would you begin those statistics again, please?

Ms. JUST. Yes; 41 persons were granted parole in the month of January 1983; 13 were rearrested; 2 guilty pleas. A rape charge was dismissed by the Government. Of the 13 persons rearrested, parole warrants were issued on 5 as a result of a new arrest, and a 6th individual was the subject of a parole violator warrant even prior to the new arrest.

Of these six, parole was revoked for three. One case was reinstated to a Maryland detainer. One case was reinstated to an approved plan; I should add that that case was nolled. And one warrant is still outstanding.

In 7 of the 13 cases, individuals were continued on parole supervision pending outcome of the new charge. In one case involving assault and burglary II, the individual was released by the court on personal recognizance. In another, involving unlawful use of a vehicle, the individual also was released by the court.

In yet another case involving possession with intent to distribute heroin, the individual was released by the court on $1,500 bond. One case involved the charge of forgery and the individual was also released by the court. One other case concerned an individual who was paroled in February 1983, arrested in March 1983, on a narcotics charge and released by the court on personal recognizance.

In still another case, the individual was charged with robbery-snatch. This individual was released on $3,000 bond after the Board declined to issue a detainer under the 5-day hold procedure. The Board subsequently issued a warrant to be executed after notice of a guilty verdict.

In a final case of simple assault, an individual was sent to the D.C. jail in lieu of a $1,000 bond. However, on January 27, 1984, the court nolled the charge.

This review of the rearrests of a total of 13 of 41 persons granted parole in January 1983, reveals that the Board issued a total of seven warrants, that only 3 of the 13 cases concerned narcotics offenses, that the Board followed the lead of the court in continuing 6 cases under parole supervision pending disposition of charge, and that the Board is aware of a finding or plea of guilty in 4 cases, a dismissal or nolle in 4 cases, and the other 5 cases are pending adjudication.

Finally, of the four convicted of new violations, one received 1-year probation, a second received 3 months' time served, a third received 60 days, and the fourth is not yet sentenced.

In conclusion, Senator, I wish to repeat and emphasize that ours is a conscientious and hard-working Board and staff. Our caseload includes approximately 2,500 persons under active supervision. We maintain approximately 12,000 case files and have recently requested Federal technical assistance to develop a computerized information system.

We are dependent upon the receipt of accurate information from law enforcement agencies, including the Department of Corrections, the U.S. Attorney's Office, and the courts.

Finally, our conduct and our actions are governed by specific statutory and regulatory provisions. A review of the record will show that we have rendered our decisions in a manner consistent with those provisions.

Thank you. That concludes my statement and I can refer as you like to the cases that are listed here or however you wish to proceed.

TECHNICAL ASSISTANCE FROM FEDERAL GOVERNMENT

Senator SPECTER. Well, before proceeding to the cases, Chairwoman Just, what Federal technical assistance have you requested?

Ms. JUST. We have requested a grant of $15,000 from NIC to assist in getting our 12,000 cases computerized.

Senator SPECTER. Any other requests pending for Federal assistance?

Ms. JUST. No; there is not.

CASE NO. 197789

Senator SPECTER. I thank you very much for that statement. I would like to turn to one of the cases that you referred to on a statement you made that you had not been notified that the individual had been classified as a career criminal, and that is No. 197789.

According to the summary provided, I think, by your office, this individual is serving a 15-year sentence for armed robbery and carrying a pistol without a license. Since this offense, he has been charged with three other crimes; two are armed robbery, which are listed as still pending.

This is our staff summary. The U.S. attorney reports that he was convicted on an attempted armed robbery charge and sentenced to 10 years' probation when paroled on this charge, and the U.S. attorney prosecuted this individual as a career criminal.

According to the information which I believe was submitted by your office or the Department of Corrections, this man appeared before the Parole Board for an institutional review hearing in July 1983, and the case was continued for 6 months until January 1984, when parole was granted. He was continued due to a poor disciplinary record, and on October 11, 1983, he incurred a disciplinary report for fighting, for which he received 14 days' administrative segregation.

The information provided by the U.S. Attorney's Office supplements that by saying that in connection with the armed robbery offense, the prisoner was committed under the Youth Corrections Act for up to 15 years. The U.S. attorney's records show that at the time of his conviction for that armed robbery offense, the prisoner was also convicted for the offense of attempted robbery in connection with a separate incident, and on the attempted robbery conviction the prisoner was sentenced as an adult for imprisonment for 1 to 3 years.

Execution of that sentence was suspended and the prisoner was placed on probation for a period of 10 years. The probation is to begin on his parole in the armed robbery cases. The circumstances of the offense on the conviction were the armed robbery offense involved the robbery of a restaurant, armed with a sawed-off shotgun.

According to the information that I have, the defendant who was convicted had served some 15 months into a 15-year sentence. The defendant has a very extensive record presented to me both as an adult and as a juvenile.

The question which arises is the application of your standards—the reasonable probability that the prisoner will not violate the law, and release which is not incompatible with the welfare of society. I would like your evaluation and thinking on that.

Ms. Just. Let me first, please, give you the facts as I have them here. This man was heard on January 24, 1984, for a second rehearing; in other words, that constituted the third time that he appeared before the Board.

Senator Specter. When did he appear before the Board on the first occasion?

Ms. Just. On July 27, 1981, and again on July 19, 1983.

Senator Specter. When did he start his sentence, then? He started his sentence, according to my information, on April 29, 1981. Is he eligible for a parole hearing when he begins his sentence on April 29, 1981? Is he entitled to be subject to a parole hearing?

Ms. JUST. The law requires a parole hearing within that timeframe.

Senator SPECTER. Within 3 months?

Ms. JUST. Yes, sir, within 2 months, because he was sentenced under the Youth Corrections Act. The act requires that he be given an initial hearing within 2 months.

Senator SPECTER. So you are saying that, had you chosen, you could have exercised your discretion to release him at that time?

Ms. JUST. Yes; that is correct.

When he was heard at that time, he was given a presumptive parole date of July 1983.

PRESUMPTIVE PAROLE DATE

Senator SPECTER. Now, how do you arrive at a presumptive parole date in July 1983?

Ms. JUST. This is based on an assessment of the man's deficiencies and needs and how long it would take in the treatment program at the Lorton Youth Center to address those needs and to remedy them.

Senator SPECTER. And what is the treatment program available at Lorton?

Ms. JUST. Academic education, vocational training, psychological counseling, work assignments.

Senator SPECTER. And what happened to this young man on those categories, if you know.

Ms. JUST. My notes here do not tell me what his program goals were. I do have information that states that he entered the Lorton Youth Center with a SAT score of 6.6. He did achieve the GED.

Also, when the Board denied him parole in 1983, it was because we were concerned about his disciplinary record, and also because he had not——

Senator SPECTER. What education do you say he received there?

Ms. JUST. He obtained the high school equivalency diploma; it is called a GED.

Senator SPECTER. And what vocational training did he receive there, if any?

Ms. JUST. He received a certificate in word processing.

Senator SPECTER. A certificate in word processing?

Ms. JUST. Yes.

Senator SPECTER. What does that mean, if you know?

Ms. JUST. It means that he has achieved a certain level of skills in the operation of a word processing machine.

We were not informed of the second conviction that resulted in probation that Mr. DiGenova mentions in his document. At the time that this man was committed for his study and observation down at the Lorton Youth Center——

Senator SPECTER. Before you get to that, Chairwoman Just, could you go through the last two items that you had referred to earlier? What psychological counseling did he receive and what work assignments did he receive?

Ms. JUST. In making the statement that I made earlier, I mentioned the programs that are available at the Lorton Youth Center. I do not know whether he was scheduled for psychological counseling, but I will soon find out.

PRIOR RECORD OF CASE NO. 197789

As that is being searched, may I go on to say that the prior records that we have for this man show, as a juvenile, a shoplifting charge which was dismissed; marijuana possession which was dismissed; burglary II, for which he was confined at Cedar Knoll for 2 months, and then received a suspended commitment; and another burglary II which was closed without a finding.

As an adult, he received a charge of grand larceny and destroying property, which was no-papered; burglary II and larceny, in which he was found not guilty; carrying a pistol without a license, unregistered gun and ammunition violation, which was nolled.

The crimes of which the Board is aware are the carrying of a pistol without a license, which resulted in a 5010(b) sentence under the Youth Act, and an armed robbery in case No. F6648–80, which resulted in the 5010 sentence.

Now, at that time we are informed that another armed robbery charge was pending, but that charge never entered the correctional system, as such. I understand from Mr. DiGenova's document that he received probation. Charges that result in probation would not find their way into the Department of Corrections files.

Senator SPECTER. You say you did not know about the conviction and the 1- to 3-year sentence which was then changed to probation, which was suspended?

Ms. JUST. That is correct.

Senator SPECTER. But you knew that a charge was pending?

Ms. JUST. There was a charge pending at the time that this study was done.

Senator SPECTER. My question is, did you know that the charge was pending.

Ms. JUST. Yes, yes.

Senator SPECTER. And what efforts did you make to determine what the disposition of the charge was?

Ms. JUST. None, none.

Senator SPECTER. Why not?

Ms. JUST. Because we received a face sheet from the Department of Corrections which states the time under which he is obligated to the Department of Corrections and we enter the case at that point.

The way that the system is now established, the fact that he received probation—information of that would not flow to us.

Senator SPECTER. Well, had you known that he had been convicted of the separate offense of attempted robbery and had been sentenced to 1 to 3 years, execution of which sentence was suspended and a 10-year probationary period imposed, would that have altered your conclusion to parole him?

Ms. JUST. It is hard to say, Senator. It might have altered it in one of two ways; I just do not know. The fact that the court felt it appropriate to place this man on probation might have had some influence on our decision. Again, it may not have.

Senator SPECTER. Well, you mentioned probation several times. How about the factor of a sentence of 1 to 3 years which was suspended?

Ms. JUST. That is probation.

Senator SPECTER. It is not probation. It means there is a sentence. When the sentence is suspended, it means the sentence will not be carried out and there is a substituted period of probation for the sentence.

But the fact that the sentence was imposed is a factor. Let me ask you if you would consider that to be a factor to be considered.

Ms. JUST. Certainly, it would establish his conviction. I still do not know whether——

Senator SPECTER. The period of probation was imposed because the judge knew that he was incarcerated, so that he did not require a period of imprisonment. That is why he suspended the sentence.

Ms. JUST. I see.

Senator SPECTER. But it is different to have a 1- to 3-year sentence which is suspended as opposed to having an initial period of probation.

Ms. JUST. Well, I think one thing that we would have taken into account is the fact that that sentence—two things; I do not know whether the imposition of the sentence was suspended or whether the execution of the sentence was suspended. I still do not have that information.

But in any event, that armed robbery charge itself was filed simultaneously with the one on which he was convicted. It was pending as case No. F6649–80, and the one on which we have jurisdiction is F6648–80.

So, without knowing the circumstances of it, it may have been related to the first charge, or perhaps it was not; I just do not know.

HAVING PRIOR KNOWLEDGE OF PAROLEE'S BACKGROUND

Senator SPECTER. Well, the information which the U.S. attorney has provided is that it was not related; that it was a separate incident. But my question to you is, if it might have made a difference in your decision on parole, why did you not make that inquiry?

Ms. JUST. This case was pending back in 1981 at the time that he received the Youth Act sentence. At the time that the face sheet was prepared, there was no reference to any case pending whatsoever.

I can only say that we did not have that information, and that is one case of someone having been given probation simultaneous with a sentence that comes under our jurisdiction.

Senator SPECTER. Well, Chairwoman Just, did you not say a few moments ago that you did know that the matter was pending, but did not know the conclusion?

Ms. JUST. Yes, I did; yes, I did.

Senator SPECTER. So the fact is you knew the matter was pending, but you did not know the conclusion?

Ms. JUST. I knew that it was pending at one time and I knew that at another time it was not pending, and I did not know the conclusion; that is correct.

Senator SPECTER. And the question arises in my mind as to why the Board did not find out what that incident was about in coming to a judgment on parole.

Ms. JUST. I have in my hand a Department of Corrections face sheet, which provides the basic information for us in terms of a person's obligation to the correctional system. This face sheet will show cases that are pending. There is a column down here for remarks which shows cases pending, and there is another block that shows detainers that have been filed.

In the case of this young man, both of those are blank. There is no case pending and there are no detainers filed, and that is the relevant information for us. Many, many times cases are thrown out. This very well might have been thrown out as a result of the plea negotiation process.

Senator SPECTER. Well, it might have been thrown out or it might not have been thrown out.

Ms. JUST. That is true.

Senator SPECTER. But you say that you did know that a matter was pending at one stage in your deliberations.

Ms. JUST. And was not pending at the time that it came to our jurisdiction.

Senator SPECTER. But it was pending at one time when it came to your jurisdiction. You did know at one stage that the other charge was pending.

Ms. JUST. Yes.

OFFICE OF THE U.S. ATTORNEY

STATEMENT OF JOSEPH DIGENOVA, U.S. ATTORNEY

ACCOMPANIED BY:
JOHN HUME, PRINCIPAL ASSISTANT U.S. ATTORNEY
TIM RIORDAN, EXECUTIVE ASSISTANT U.S. ATTORNEY

INTRODUCTION OF ASSOCIATES

Senator SPECTER. Mr. diGenova, would you care to comment on this matter?

Mr. DIGENOVA. First of all, good morning, Mr. Chairman, and thank you very much for the opportunity to appear once again before the committee. I have with me this morning Mr. John Hume, the principal assistant U.S. attorney, and Mr. Tim Riordan, the executive assistant.

NEED FOR ADEQUATE COMMUNICATION

Mr. Chairman, the fundamental point, I think, that comes from the first part of this morning's testimony, and one which I am very grateful to the committee for bringing out, is that it is apparent to us that there is an information vacuum here and that there is not a system in place to provide adequate communication between the various components of the criminal justice system here.

I think it is obvious that in terms of the adequacy of the information base available to the Board that the request that, according to Ms. Just, has recently been made for a computerized capacity is a vital necessity to the Board and to the other components of the criminal justice system.

For example, does the Board have access to the pretrial service agency computer, and does it have computer access to other components in the system so that it would be easier for the Board to verify information?

We have, from the beginning of our tenure in early 1982, made our office available to the Board. Indeed, we met with the Board early on in March 1982 and we offered to appear at parole hearings to provide information. That was not a warmly received proposal and there were reasons which the Board felt were appropriate for not warming to that proposal. They need not be discussed here.

But I think lest there be any doubt about the willingness of the U.S. Attorney's Office to provide information, we are every day in communication with parole boards around the country, police departments, our own Metropolitan Police Department, and judges' chambers.

The status of this individual, for example, as a career criminal should have been reflected, as a matter of policy, in the presentence report; it always is. Of course, we have to rely to a certain extent on the desire of the Parole Board to seek additional information from us.

Senator SPECTER. Mr. diGenova, when you say "not warmly received," that is conclusory. What are the facts?

Mr. DIGENOVA. We offered the opportunity to come in selected hearings with regard to individuals and make oral presentations. The Board was concerned that this might create rights on the part of inmates for additional counsel, and might blow up the hearing into a minitrial, and they were concerned about their resources.

NEED FOR ADDITIONAL FUNDS

I am not undercutting the resource factor here. It appears to me, Mr. Chairman, after reviewing this situation for more than 1 year and after listening particularly to Ms. Just's testimony this morning, that the Board of Parole may indeed need some additional funds, and clearly needs computer capacity in the 1980's.

To be doing this by a card system where the safety of the community and the integrity of Parole Board decisions is involved is, to me, an invitation to error.

Senator SPECTER. Mr. diGenova, what is your view as to the grant of parole without an inquiry as to the other charge?

Mr. DIGENOVA. Well, Mr. Chairman, clearly our view is that it is imperative to discover what was the disposition in that case before a decision is rendered. In addition, you made a very valid point.

The reason judges will impose probation in cases where they might otherwise impose a prison term without probation is that they assume, upon representation of defense counsel, usually, that appropriate backup time will be served in cases where parole was granted and has been revoked.

This creates a situation of the Parole Board saying it is relying on the judge's decision because probation was granted not to count that, and puts the court in the position of not relying on the Parole Board to require sufficient backup time because they are relying on the Parole Board to do it and the Parole Board is relying on the court.

It is a catch-22, and it seems to me a situation which is inherently contradictory and creates the kind of situation which you pointed out.

Senator SPECTER. Should this person have been paroled, in your judgment?

Mr. DIGENOVA. Not in my judgment.

Senator SPECTER. Why not?

Mr. DIGENOVA. Well, Mr. Chairman, I think it is clear that we fundamentally have a philosophical difference here based on the likelihood of danger to the community. Our office, with regard to the rearrest statistics and the percentages of conviction based on those rearrests of parolees, views profiles such as this where you have armed offenses, weapons offenses, and the age factor where the individual is still within that 18 to 30 age bracket, where the likelihood of recidivist behavior is extremely high—it is unlikely that an individual in this category is going to be able to refrain from criminal activity and that a longer period of incarceration is more likely to protect the community.

As far as we are concerned, the fundamental responsibility that we have, and we believe that everyone in the criminal justice system has, is to protect members of society who are not convicted of crimes.

Also, I might add, Mr. Chairman, that merely because an arrest is made, the Board views that as not being an important factor. That is a probable cause determination that it is more likely than not that the individual has committed the crime. It ought to be given more weight than it is by the Board.

An arrest is not an insignificant event, nor is a dirty urine sample an insignificant event. The point is that the cumulative attitude and the policies of the Board are such that it is indeed unlikely that individuals such as this are not going to be released early.

In our view, we disagree with a host of the decisions made. We can understand a reasonable disagreement, obviously, based on some philosophical difference. But on the facts, it is clear that our judgment would have gone the other way.

PAROLE UNDER THE YOUTH ACT

Reverend FERRELL. Senator, may I speak, please, to the case we were discussing?

Senator SPECTER. Yes, you may, Reverend Ferrell.

Reverend FERRELL. This young man was committed under the Youth Act. Before the commitment takes place, there is a Youth Act study made by the diagnostic unit, which makes certain findings and certain recommendations.

After the young man is committed, he goes down to the Youth Center and is again evaluated by staff. Now, as the purpose of the Youth Act is set forth, it is to provide opportunity for a person to involve himself in those resources and facilities and activities within the Youth Center which, in the opinion of staff, will be of tremendous assistance to him in avoiding further difficulties.

That second evaluation comes before the Board with a recommendation from the staff, as Ms. Just stated, as to what the young man's needs are, what the approximate time is that will be required for him to accomplish the goals that are set for him.

The Board reviews that and makes an assessment as to whether, in the Board's opinion, that is a proper length of time, and a date for review is given. Now, it was pointed out in this case that the Board set a period of 2 years from the time of its initial hearing based on the recommendations of staff. That is all the Board had coming to it in the first instance—the recommendations of staff.

Now, the fact that the young man had another charge pending or another conviction, for that matter, would not alter the fact that the young man is committed under the Youth Act, which is the primary concern of the Board, to deal with that young man in the context of his having been committed under the Youth Act, with representations to the Board from staff with their recommendations. These are the matters on which we acted.

Now, it is important to realize, also, that when the young man first came before the Board, the Board was not satisfied. He had made certain accomplishments, yes, but the Board looked at other things and said, no, we are not satisfied with these; we sent him back.

He came back 6 months later. We reviewed those; we found distinct improvement. At that point, parole was granted.

Senator SPECTER. Reverend Ferrell, are you saying that the other pending charge of attempted robbery was not a relevant consideration for the Parole Board to take into account on deciding whether to parole?

Reverend FERRELL. Not at that point, no; not at that point. The young man was serving Youth Act time.

Senator SPECTER. You are saying that that was not a relevant factor?

Reverend FERRELL. In terms of background, yes, but in terms of the parole decision at that point, no. That is exactly what I am saying, Senator.

Senator SPECTER. You are saying that it was not relevant for you to know, when deciding what the parole time should be, that he had another conviction for attempted robbery?

Reverend FERRELL. I am saying, Senator, that the Board looked at the whole background of the young man—every time he had been arrested, every conviction he had.

Senator SPECTER. Well, now, wait a minute; wait a minute. The Board did not know what the disposition was of that charge of attempted robbery.

Reverend FERRELL. At the time of the rehearing when the Board examined this case, as Ms. Just pointed out, there were no pending charges, there was no detainer. Now, if the 1- to 3-year charge had stood as an adult sentence, then it becomes very important.

But because the court placed him under probation, which in that sense meant that the court was depending on the Youth Act progress to be controlling—that is what I am trying to say, Senator.

Senator SPECTER. I am sorry I did not see you come in, Mayor Barry, until just a moment ago, and I will take you right now because I know how busy you are, but I do want to pursue this just 1 more minute.

Reverend Ferrell, I do not understand your ultimate conclusion here.

Reverend FERRELL. Let me come at it this way, Senator.

PAROLE BOARD'S KNOWLEDGE OF BACKGROUND

Senator SPECTER. No; let me ask you the question. You have a record here where the Parole Board knew that there was an outstanding charge in 1981. At one point, as Chairwoman Just has testified, the Parole Board knew there was a charge for attempted robbery. The Parole Board never knew what happened to that matter.

When the Parole Board looked at the records at another time, they did not see that item because she has held up a sheet which was blank there. But at one time the Parole Board did know that that charge was pending, but had never made an inquiry as to disposition.

Now, my question to you is, do you not consider the Board under an obligation to find out what happened on that charge and to consider that disposition on whether to parole that person?

Reverend FERRELL. This young man who was before us—let me put it another way. If we had known—or let us suppose that the court had given the young man another Youth Act instead of an adult sentence and probation.

The prescription for treatment would have been, more than likely, the same. The time constraints recommended by the institutional staff in all probability would have been essentially the same. The action of the Board would have been essentially the same.

Now, as I explained earlier, Senator, the purpose of the Youth Act is not to hold the young man for any specific length of time, not to say that you will serve 1 year or 3 years or 5 years, or whatever. The purpose of the Youth Act very clearly is to say that whatever deficiencies appear, to set an appropriate, approximate time for these things to be dealt with.

At the expiration of that time—and there is case law in this, Senator—at the expiration of that time, if it is certified that these objectives have been accomplished, the Board has no right to hold that young man longer because of the nature of the offense.

Senator SPECTER. Well, Reverend Ferrell, when you talk about right, the Parole Board would have the legal authority or legal right to have held this individual substantially longer. What you are doing is making a judgment under the standards, but you would have a legal right to hold him for a substantially longer period.

Reverend FERRELL. If the objectives of the Youth Act had not been accomplished, yes, we would. But if the objectives of the Youth Act had been accomplished, as I understand the Youth Act law, it is my opinion that we would not have had that right.

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION BARRY, JR., MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:

JAMES PALMER, DIRECTOR, D.C. DEPARTMENT OF CORRECTIONS
MARGARET G. LABAT, ASSISTANT DIRECTOR FOR EDUCATION, D.C. DEPARTMENT OF CORRECTIONS

INTRODUCTION OF MAYOR

Senator SPECTER. I would like to interrupt this because the Mayor has arrived. As I said, I did not see you come in earlier, Mayor Barry, but would you step forward at this time?

This hearing had originally been scheduled on the progress in the Corrections Department. We had an earlier hearing several weeks ago, and we had added on the issue of the Parole Board because I found it necessary to cancel that hearing last week when the President had scheduled a session with some of the Senators.

Mayor Barry, welcome. We appreciate your taking time from a busy schedule. We know of the many demands on your agenda and we appreciate the priority attention which you have given to the issue of using the additional funds for the Department of Corrections.

Perhaps having you here for a moment or two to hear a little about the Parole Board is a useful matter as well. We also welcome Director James Palmer from the Department of Corrections.

Mr. Mayor, you may proceed.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, let me express again my great appreciation for your continuing energy level as it relates to the District of Columbia. I am sure that there are a number of other matters that would affect the State of Pennsylvania that you probably would like to attend to, but you have taken this job very seriously and we certainly appreciate that.

ESTABLISHING A JUSTICE BOARD

Let me also say, Mr. Chairman, that I have established a Justice Board, which includes the Chair of the Parole Board, the U.S. attorney, the superintendent of schools, and about 13 or 14 other people, and we are having a meeting on the 3rd of April.

I do intend to put this matter of information-sharing and philosophy and direction on the agenda because I believe that respective participants in the criminal justice system have a responsibility to share with each other their concerns and some suggestions as to how we solve these problems.

Senator SPECTER. Mayor Barry, what would your sense of—how much was that, Chairwoman Just?

Ms. JUST. We would need $15,000

Senator SPECTER. That $15,000 would be for computerization.

Ms. JUST. For technical assistance.

Senator SPECTER. Mayor Barry, if that cannot be found rapidly within the allocation for a grant, what would you think of trying to provide some funds within the city budget?

Mayor BARRY. If that is the case, if you are talking about $15,000, that is an easy matter to take care of. But I think the problem is larger than just that computer. We had a survey, and we will share this with you later, from the correctional institute indicating that there are serious informational gaps in our criminal justice system. It is not just an individual; it is a systems problem.

The U.S. attorney has some information; the courts have other information. We would like to share that with you, and the committee and the staff.

Senator SPECTER. Well, we would be very interested in that.

Mayor BARRY. It is a serious problem, and not just a $15,000 computer problem. We can work on that, but it is a systems problem of definition, of information, et cetera. As I said earlier, I would like to put this on the agenda for my April 3 meeting.

I am the Chair of the Justice Board and I pay personal attention to it. Mr. DiGenova, Ms. Just, the police chief, Mr. Palmer, the director of the Department of Corrections, pretrial detention, the public defender, and the superintendent of schools are members of the Board.

Senator SPECTER. Well, I shall await the outcome.

Chairwoman Just, you may do substantially better than the $15,000 computer.

Mayor BARRY. Let me also say, Senator, that this is the first time I have heard of this need. Our budget director may have heard of it. Well, she shakes her head no, so we will take care of that downtown after I leave here.

SUBSTANTIAL IMPROVEMENTS IN EDUCATION PROGRAM

Mr. Chairman, let me again say to you that we have made substantial improvements since the last time we were here. I expressed to you and to the public a little bit of my disappointment that we have been a little slow getting this program going.

It was not the fault of Mr. Palmer, as such; it is the system which was not accustomed to this broad way of thinking. As a former prosecutor, you will probably find that all over the country prison officials are not accustomed to thinking about the broad-baseness that you and I have been talking about—how you get people ready to come outside of these institutions, prepared to survive and not go back into the institutions.

Our system is no different. It is more complicated by the fact that, as you know, we have both a detention center and a State prison system, unlike most cities or counties. They do not have to cope with both a detention center and a prison system.

Operating State prisons is a function of State governments, and we have a bifurcated system here and we think we have done a good job of making sure both work. Our detention center currently houses about 1,800 inmates; about 900 of them are unsentenced prisoners who are at 19th and C. An additional 1,000 are sentenced people awaiting diagnostic tests to be sent to one of our institutions.

CURRENT PRISON POPULATION

Mr. Chairman, let me also say that our current prison population is about 6,500, which includes 1,100 prisoners in Federal facilities and 300 in halfway houses. In 1973, 11 years ago, we had 3,708 persons who had been sentenced. This is an increase of 77 percent, and I think this is a tremendous increase.

We have taken aggressive steps to ameliorate overcrowding. We have opened 954 beds in the last 2 years, with an additional 350 scheduled to open in 1984.

DISTINCTION OF THE DISTRICT'S PRISON POPULATION

I am giving the background even though you know it just for the public record, so as people read about what we are discussing here who were not here will know that the District also has another distinction in the sense that in the State of Virginia, Pennsylvania, or Maryland, persons come from all over the State and they are incarcerated in various State prisons throughout that State.

But the District, because of its geography and because it is unlike any other State—people basically come from the District of Columbia. They grow up together, they play together, they go to school together, they commit crime together, and they go to Lorton together. So you have a very compact population of people who know each other from various parts of the District, which creates some additional problems.

Also, prior to my administration, and prior to your initiative in terms of focusing on the issue of the District prison system being a model for what we can do around the country in both State and Federal prisons, the District's prisons, like most others, were merely warehousing people, trying to keep them there in safe and secure facilities with very little learning going on, and very little rehabilitation going on.

I think that accounts for this tremendous recidivism rate that Mr. diGenova and others talk about. But we are on our way to try to break that cycle, so I wanted to put that in perspective.

INTRODUCTION OF DR. MARGARET LABAT

I would like to also introduce, Senator, at this time Dr. Margaret Labat. She is an outstanding educator who has been in the public school system—how long?

Dr. LABAT. Oh, I do not say how long. [Laughter.]

Over 20 years.

Mayor BARRY. Over 20 years. She was a former superintendent of schools in Illinois who came back to the District, and she is now the Assistant Director for Educational Services. She is an outstanding educator who was in charge of the public schools' adult education program. We have been fortunate to get her on board full-time, working 55 or 60 hours a week in this program.

At the appropriate time, she would like to share with you a little bit of the educational philosophy and thrust here. But let me just say that——

STATUS REPORT OF CRIMINAL INITIATIVE FUNDING

Senator SPECTER. Mr. Mayor, if we could, I would like to turn to what has been accomplished with the funding.

Mayor BARRY. That is what I was going to get to.

Senator SPECTER. I have a time problem myself.

Mayor BARRY. OK.

Senator SPECTER. As you noted, some time has to be spent on Pennsylvania, and the Governor, my colleague, Senator Heinz, and I are due to receive a $42 million check in my office at 11:30 on Centralia.

Mayor BARRY. How much is it? I want to go with you on that one.

Senator SPECTER. It is $42 million, so I do not want to keep that money out of Pennsylvania's hands too long because it accrues interest at a rapid rate. So I am going to have to excuse myself at about 11:28, so I would like to get to the points on accomplishments.

Mayor BARRY. Let me very quickly, Mr. Chairman, indicate where we are.

Senator SPECTER. Thank you. As you know, Mr. Mayor, on our schedules, there is never enough time.

RESULTS OF TESTING INMATES

Mayor BARRY. We all understand that. Mr. Chairman, let me just indicate that what we have been able to do is test over 3,000 residents in our facilities, using the Ohio and California achievement tests, just to get an idea of where people's reading, writing, and math levels are.

We find that the medium grade level is between 5 and 7.5, but the significant point here, Mr. Chairman, is that their achievement on these various exams is way below their stated last grade completed.

The other interesting statistic which I thought was the case, but data proved it, is that 72 percent of the people in our system were born in the District of Columbia, which means that they have been here and were part of our educational system.

We also find that 68 percent reported that the last grade attended was between 10th and 12th. Their ages are between 20 and 34. Again, the tests demonstrate that their achievement level, according to the exams, is way below their last stated grade level.

Senator SPECTER. Way below what, Mr. Mayor?

Mayor **Barry**. Their stated grade level; that is, their reading, their math, and their writing are at a level that is far below where they indicated that they finished their last grades. For example, if the 11th grade was stated, the tests revealed that they were reading on a 5th grade or 6th grade level. We have the backup data which we can share with the staff in great detail.

We gave the examination in December, January, and February. We took March 6, which just happened to have been my birthday, as the day that they froze the population and did a data analysis of the population because it is a dynamic population; people are coming and going.

EDUCATIONAL PROGRAM

As a result of that, Ms. Labat and her staff have revised our educational program. They have defined the functions of each program, established a transportation system for evening program staff, began evaluating existing vocational and academic programs.

Senator **Specter**. So what you are saying, Mr. Mayor, is that you have a program in motion to direct itself to the educational deficiencies of your inmate population?

Mayor **Barry**. Absolutely. We also have a philosophy, the philosophy is a competency-based curriculum; individual programing for our young people to try to figure out——

Senator **Specter**. Ms. Labat is coming on new for this program?

Mayor **Barry**. Absolutely. Let me say that we have established a guidance program, established English and math programs, established music and art programs, and established business and welding programs. We have met with apprenticeship program personnel to plan expansion.

Senator **Specter**. You said business and welding programs?

Mayor **Barry**. That is right.

Senator **Specter**. So this education moves over into vocational training as well?

Mayor **Barry**. Absolutely.

We have research curriculum, and vocational guides to find what the market is and what the curriculum ought to be. We have enrolled an estimated 200 residents in our new evening program. Prior to Ms. Labat coming aboard, we did not have any evening programs and we are moving ahead with that.

We have increased the number of residents in some form of training to 1,000 persons.

NUMBER OF PERSONS IN EDUCATIONAL PROGRAM

Senator **Specter**. You have 1,000 people now?

Mayor **Barry**. In some form of educational program; about 800 during the day and about 200 in the evening. In fact, on March 19, we had our first movement of about 50 people. People just jammed into the place, wanting to get in. On March 22, we had 97 people; this was at the central facility. By tonight's classes, we anticipate we will reach 160 people.

On Thursday of this week, March 29, we will begin the initial instruction. The program will have a capacity of 250 inmates, and we expect to build this level very quickly. Mr. Chairman, we are finding that our residents are almost breaking the doors down to get into these programs.

SPENDING MONEYS APPROPRIATED

Senator SPECTER. This is a result of the new moneys that we appropriated.

Mayor BARRY. That you appropriated. In terms of the money, as you know, Mr. Chairman, we had——

Senator SPECTER. Slightly in excess of $22 million, Mr. Mayor.

Mayor BARRY. Mr. Chairman, we had $22.3 million in special Federal funds that you worked hard to get; $9.9 million was appropriated for capital projects associated with expanded educational programs.

Let me say, Mr. Chairman, that we intend this fiscal year and next year to expend all that money. We have architectural drawings; we are moving immediately to get temporary facilities. By the last of April, we will have temporary facilities. We are getting contracts to renovate, as well as build permanent facilities at Lorton for the expanded educational program, which means that money will be spent.

Again, it was slow getting started, but we are now on track. We have made up about a month and a half because I have just been meeting, pushing, and meeting deadlines.

NUMBER OF PRISON POPULATION TO BE SERVED

Senator SPECTER. Mr. Mayor, do you have any projection as to how many of the prison population you will be able to service with the educational and vocational training programs?

Mayor BARRY. Senator, everybody will not get the same level of instruction or the same level of intensity. We are going to start with those who are going to get out first. Out of the approximately 5,000 people that are down there, we have an analysis which identifies those inmates who will have two more years to go before they are eligible for parole or their final release date.

Senator SPECTER. Mayor Barry, I know it is too early to do this yet, but just to target the goals and the questions that this subcommittee would like to have answered, we would like to know what you were able to accomplish with this additional $22.3 million in terms of specifics on educational and vocational training.

And then the second and more difficult question, but we would also like to have a judgment as to this—what difference that will make on the release program on their ability to hold a job and avoid any future criminal activity.

Mayor BARRY. Mr. Chairman, we believe very strongly that we will serve at least 3,000 residents at our seven facilities at Lorton. We will have 216 teaching and support personnel. We will have 84 social service and job placement personnel, 45 educational counselors, 30 job placement specialists, and 9 psychologists.

PLACING INMATES IN THE PRIVATE SECTOR

We believe that working with the private sector is going to be awfully difficult, Mr. Chairman. A number of private businesses have a philosophy and a policy of not hiring ex-convicts. No matter how qualified, how skilled they are, or how rehabilitated they appear to be, we are finding difficulty in getting businesses in this town, as they are around the country, to hire people.

Senator SPECTER. Mr. Mayor, we might schedule a hearing on that subject to focus some public attention. Perhaps you could return; perhaps we could bring some others in who could testify as to the workability and practicality of having ex-convicts in the private sector to try to encourage that kind of hiring policy.

Mayor BARRY. Mr. Chairman, let me add to that that we would like to share just for the record—I do not have the specific data, but the D.C. government last year took 158 persons who had been judged by the Parole Board as eligible for parole, but had no work promised them or any work available. We put them to work on our own payroll as GS–1's.

We figured it was cheaper to pay $8,500 than to pay $15,000 to keep people housed at Lorton. We have had some mixed results, but the last numbers I saw said that we had over 90 people who had been placed in the private sector, but it was difficult.

It took personal calls on my part; it took calls on the part of others in the community to convince certain business people that they ought to employ people who had served time in jail.

Senator SPECTER. Well, I think we might be able to provide some help there if we establish a record of success on that line so that people would have that kind of assurance.

Mr. Mayor, I am sorry I am going to have to terminate the hearing now. I do appreciate your being here and I am pleased to hear of the progress which you are making, and we will take a look at it a little farther down the road after you have had a chance to do some more.

EXPLORATION OF PAROLE STANDARDS

I am also pleased that you were here to listen to just a little bit of the testimony of the Parole Board officials. I do want to say that in working with the Parole Board, my objective is to be constructive and to try to be of assistance to you in facing up to a very difficult problem which you have.

There may be some value to the exploration of the standards which you work under. You have your own lawyers and you have your own judgments to make, but I would make one suggestion to you, and that is that you reconsider the conclusion which Reverend Ferrell has expressed about a right of a person to be released at any special point.

My understanding of the law is, after some substantial work in the field, that this is a discretionary judgment which the Board of Parole has, and that legal rights do not attach to anybody who comes before the Board of Parole for a release.

You may release them or not, as you see fit in the exercise of your own judgment. But when you set forth a program and you evaluate it in 1983 or 1984, as in the case we examined, it is your judgment call. And we respect your judgment, but I think it is important to keep the perspective that it is not a right on the part of anybody to be released at any special time; it is the professional judgment of the Parole Board.

I make that suggestion to you for your own evaluation because you have the responsibility. But with respect to the information, I believe that is just an indispensable prerequisite that you know the facts on which you deal, and that it is important that an individual has another conviction and what those facts were in your evaluation.

I commend the Mayor for establishing the board where Mr. DiGenova serves and where you serve, Chairwoman Just, so that we can move to correct some of these various factual deficiencies.

When you need additional resources, I know the Mayor will be sympathetic to that and I know I will be in terms of getting you the information.

Again, on the issue of parole and on the issue of information, I view the District of Columbia as an area that ought to be a model. These same problems exist everywhere. I have seen them in Pennsylvania in detail on the functionings of parole boards and pardon boards.

We would like to do what we can to see to it that you have the tools and the information to make your judgments. I know you have a tough judgment call and we may disagree with you on some of them or we may not, but this kind of an exploration, I think, is very useful and we want to do it in a constructive way to solve a problem. That is the only objective we have in having these proceedings.

Mayor BARRY. Mr. Chairman, let me just indicate my great concern that we move ahead constructively. We appreciate any input. My only plea is that these are problems that have been around for some time. There are no easy answers to them and we do not have a corner on brains.

I would just hope we would sit at the table together and explore with ourselves the possible solutions, and we certainly appreciate your support. We also have a uniqueness here, as you very well know. I was listening to the testimony and I am not sure it came across as clearly as it should have.

I think the District Youth Act is much different than most that you have seen around the country. It differentiates that prosecutorial and sentencing process from the adult sentencing process.

It may be that we need to examine the basis of the Youth Act and the basis of something that was established some years ago, particularly when we are finding more of our young people, committing more and more violent crimes are younger and younger.

There used to be a time, as you know, Senator, when young people snatched pocketbooks and did a little shoplifting. But they are now committing murder and armed robbery under 18. Maybe we ought to examine the basis that was established by the Congress, as you very well know, prior to home rule. This is an area that we ought to maybe look at to see whether we can make some adjustments in the act itself.

Senator **Specter**. Perhaps so, Mayor Barry. I think that would be a good subject for another occasion.

Mr. Mayor, thank you very much for coming.

Mayor **Barry**. Thank you very much.

SUBCOMMITTEE RECESS

Senator **Specter**. Chairwoman Just, Reverend Ferrell, Mr. Gibson, we appreciate your all being here. The hearing is adjourned.

[Whereupon, at 11:34 a.m., Tuesday, March 27, the subcommittee was recessed, to reconvene at the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, MAY 9, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met in room SD–138, Dirksen Senate Office Building, at 11:05 a.m., Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

STATEMENTS OF:

- **MARION S. BARRY, JR., MAYOR**
- **JAMES PALMER, DIRECTOR, DEPARTMENT OF CORRECTIONS**

ACCOMPANIED BY:

- **MARGARET LABAT, ASSISTANT DIRECTOR FOR EDUCATIONAL SERVICES, DEPARTMENT OF CORRECTIONS**
- **WILLIAM D. GOLIGHTLY, ASSISTANT DIRECTOR FOR ADMINISTRATION, DEPARTMENT OF CORRECTIONS**
- **MICHAEL HAGSTEAD, CHIEF OF BUDGET DATA AND ANALYSIS, DEPARTMENT OF CORRECTIONS**

OPENING REMARKS OF SENATOR SPECTER

Senator SPECTER. Good morning.

We will commence this hearing of the District of Columbia, Subcommittee on Appropriations.

I would like to call Dr. James Palmer from the Department of Corrections.

Preliminarily, Dr. Palmer, let me thank you for the tour of Lorton yesterday. I found it very instructive, very helpful, and today's hearing will focus on some of the specifics as to what you have been doing there.

PREPARED STATEMENT

Director Palmer, what I would like to focus on are the questions which I raised with you when we were traveling around yesterday, on the specifics as to where the moneys have been used, how much, and for what purpose.

If you could begin there, I would appreciate it. We will insert your complete statement in the record.

[The statement follows:]

STATEMENT OF JAMES F. PALMER

The Department of Corrections' fiscal year 1985 appropriated budget request is $89,299,000 and 2,349 positions. This level of funding will support an average employment of 2,255. This budget assumes a total of 6,074 prisoners in District institutions and halfway houses and 2,800 persons under parole supervision.

The budget request results in a net decrease of $35,158,000 and 229 positions from the fiscal year 1984 budget. This is accounted for by three base reductions totaling $44,626,000 and 422 positions, two transfers-in of $292,000, and increases of $9,176,000 and 193 positions. The base reductions are $1,000,000 in energy, $21,296,000 for the payment to the Federal Bureau of Prisons, and $22,330,000 and 422 positions for the criminal justice initiative. Should the District receive an increase in the Federal payment as recommended by the President, a request will be made to fund the payment to the Federal Bureau of Prisons from that source.

The increase requested will address five major needs of the agency. The burgeoning population has created three of these. First, it has become necessary to provide additional space to house the sentenced population. This will have been accomplished through new construction and renovation of existing structures. To operate these new facilities, netting 550 additional spaces, requires $4,415,000 and 170 positions.

Second, sufficient funds are required to feed, clothe, and otherwise provide the supplies and services, referred to as "Care Factor," consumed by each of our wards. In fiscal year 1985 it is projected that the department will have an institutionalized population of 5,784 residents. To provide each with care factor items requires an increase in funding. This need amounts to $2,317,000.

Third, the growth in the sentenced population housed at Lorton demands additional medical facilities and staff to provide adequate health care. The cost of a second medical facility is $981,000 and requires 23 additional staff.

The cost of the agency contribution for employee benefits has shown a significant rise, for which funds are not available, requiring an increase of $639,000. Finally, to maintain the physical plant $824,000 is requested to support scheduled maintenance and small capital projects at Lorton.

The department continues to participate in the Mayor's efforts to reduce institutional population; these, however, may have no fiscal year 1985 impact. The budget request before you, while not alleviating all projected overcrowding, does address a substantial portion of it. Significant progress will be made toward meeting space, security, and resident care requirements as dictated by court order. Finally, a good beginning is made in preserving the integrity of major parts of the physical plant through preventive maintenance.

OPENING REMARKS OF DIRECTOR JAMES PALMER

Mr. PALMER. Good morning, Senator Specter.

I was delighted also to have you and your staff down to the correctional facilities yesterday, and I want you to know that the residents were very happy that you were there. We had a number of little sessions after you left.

I would like to start off by saying, Senator Specter, when I took command of the Department of Corrections we had reported that there were approximately 800 people enrolled in different types of programs.

Once I brought Dr. Labat on, that number changed to where we had approximately 200 people that could be accounted for in two programs. The other people were enrolled but there was no way that we could actually prove that they were either taking classes or what it was about.

So we have made some studies. We have classified all the persons, including that 200, and we now know this morning that we have 1,300 people in a delivery service type program. So we have made a 1,100 increase by getting the money from you, by bringing staff on board and by putting into effect programs where we naturally know that resident so-and-so is in a classroom taking English or math, or science or he is in an apprenticeship program, and he is in there from approximately 9 to 11:15, and he goes out for lunch and comes back in the evening. We have accountability and we now know exactly who is where.

Also, Dr. Labat has been able to bring on additional trained staff. We have never had a night school program. We now have one with a full staff of people. So by getting the money from you, we have a delivery service program that we certainly did not have before. We had a number of programs, but because of the fact that we have everything so well structured, we have 1,300 people in round figures. That is moving forward. With the additional trailers we will get 460 and it is our hope to bring on board approximately 2,000 prisoners, so that they could be enrolled.

Yesterday when you were down there, you were aware——

GOAL FOR EDUCATION PROGRAM

Senator SPECTER. Your goal is to have 2,000 prisoners in the educational program?

Mr. PALMER. We hope to have 2,000 prisoners in the educational program, by the end of the fiscal year, actually in class taking prescribed courses and classes based on needs and interests.

Senator SPECTER. By September 30 of this year you will have 2,000 people in educational classes?

Mr. PALMER. Yes, sir.

And by that, we will then also do something a little different, Senator Specter.

We have had a testing program, I mean a real testing program with paid professionals that we have submitted these residents to, so that we can give them some meaningful training that will be helpful to them.

We have classified them——

NUMBER OF PERSONS AT LORTON

Senator Specter Director Palmer, the total number that you have at Lorton is about 3,400?

Mr. PALMER. Yes, sir.

This morning we have 3,400 people there.

EDUCATIONAL PROVISIONS FOR ALL LORTON INMATES

Senator SPECTER. Now, if you project 2,000 in educational classes, what about the other 1,400?

Mr. PALMER. The other 1,400 persons, Senator Specter, we are hopeful that we can turn the space around, once we get the program going very, very well. Our ideal hope is to utilize all of the space and increase the night school classes. Now there are a number of persons, Senator Specter——

Senator SPECTER. Is it realistic to try to put all 3,400 into educational programs?

Mr. PALMER. No, Senator Specter.

Realistically, we cannot put the 3,400 into programs. By your visit yesterday, you know we have a problem. These persons are all concerned; they want to be in classes. Now I have never seen the type of enthusiasm. You were there yesterday. They want to be in classrooms.

Senator SPECTER. Let us have Dr. Labat join us at the table.

Dr. Labat, the question that I am searching for here is are all of the 3,400 educable, or are some not susceptible to help from the educational program?

Dr. LABAT. Senator Specter, it is my belief that we cannot enroll all of the persons by September 30. I think Mr.——

Senator SPECTER. Now, wait.

I am trying to make a distinction here again as to what we can do by way of programming and space, et cetera, as opposed to whether all 3,400 people can be benefited from some educational program.

Dr. LABAT. All right.

I understand your distinction.

It is my belief that all 3,400 people can benefit by educational programs.

Senator SPECTER. All 3,400 can?

INSTRUCTION IN A LEARNING SETTING

Dr. LABAT. Mr. Palmer does not envision those persons participating in a classroom setting per se. Let me take a minute to verify that for you.

We are looking at a reduced ratio of 10 persons, 10 to 1, 10 to 15 to 1 per class, in order that we can give as much personal attention to each of the residents. In maximum security, there are some persons who, by virtue of their request for privacy, will not be opting to come into a classroom.

What we are planning for those persons is to bring on enough staff, to prepare programmed learning materials for them so they will participate in a learning setting but they will not be in class instruction.

Senator SPECTER. Where will the learning setting be located?

Dr. LABAT. With many of them, it is going to take place right in their cells. We will prepare the instructional learning packages, make them available to them. They can work on them as individuals or they can use their library but we do not envision bringing people who have asked to be put in a private cell block for their own protection, into a classroom with other people.

Senator SPECTER. I see.

How realistic is it for them to get some educational benefit by working in their own cell like that?

Dr. LABAT. Senator Specter, I seriously believe that the programmed learning experiences can be sequential, not only would they use the instructional learning packages, but we also have the capability of using some taped materials and that can happen.

Senator SPECTER. All right.

Do you expect 2,000 to be in educational classes by September 30, 1984, and when would all 3,400 have the availability of educational classes, to the extent that they can be put in classes?

Dr. LABAT. It is my hope that we can begin that as soon into the next fiscal year as possible. We are working on it.

Senator SPECTER. Can you give me an approximate target date?

Dr. LABAT. Why don't we say by October 30, Mr. Palmer? OK?

Senator SPECTER. Well, why don't we say October 30, Director Palmer?

Mr. PALMER. That is all right.

Dr. LABAT. It is all right, he says.

Senator SPECTER. All right. We do say October 30.

EXPENDITURE OF CRIMINAL INITIATIVE FUNDS

Can you return to the question that I started with, Director Palmer, that is: What specific funds have been for what specific purposes?

Mr. GOLIGHTLY. Senator Specter, about $3 million has been expended at this point and——

Senator SPECTER. How much?

Mr. GOLIGHTLY. A total of $3 million has been expended, or obligated, at this point.

FUNDING FOR PRISON INDUSTRIES PROGRAM

Of that, $1 million has gone to prison industries for the beginning of their startup programs in several different lines of endeavor.

Senator SPECTER. Could you break that $1 million for prison industries down for me?

Mr. GOLIGHTLY. The $1 million for prison industries will be going into an auto body repair program.

Senator SPECTER. Body repair?

Mr. GOLIGHTLY. Auto body program. It will be going into an expansion of the existing printing program; it will be going into an expansion of the existing uniform clothing manufacture program. These will be the chief endeavors and also a microfiche-microfilm program.

Senator SPECTER. What is a microfiche program?

Mr. GOLIGHTLY. This is the process, of course, of servicing microfilming requests. The microfiche is a different type of microfilming.

Senator SPECTER. Do you teach the inmates how to do microfilming?

Mr. GOLIGHTLY. That is correct.

Senator SPECTER. Anything else on prison industries?

Mr. GOLIGHTLY. No; those will be the four principal areas that that money will be used for.

Senator SPECTER. And then you have $1 million already spent or obligated?

Mr. GOLIGHTLY. Obligated for that purpose.

Senator SPECTER. Now, is part of that money for expanding room and space?

Mr. GOLIGHTLY. Yes; some of that will be used for expanding space there. They do have additional facilities that they need in order to do that.

Senator SPECTER. All right.

Now, where has the other $2 million been spent or obligated?

FUNDING FOR SECURITY PROGRAMS

Mr. GOLIGHTLY. In the operating area, we have approximately another $1.5 million that has gone into the security area.

Senator SPECTER. $1.5 million in the security area?

Mr. GOLIGHTLY. $1.5 million in the security area.

This has to do with both the hiring of correctional officers, and something that we find essential to do simply because of the situation we are faced within expanding populations and overcrowding: that is expending overtime in order to extend some of our existing correctional officer resources where we simply have not been able to recruit fast enough to handle the overload.

Senator SPECTER. $1.5 million in the security area, hiring of additional correctional officers; how many additional correctional officers have you hired?

Mr. GOLIGHTLY. The target for doing this, to the end of the fiscal year, will be an additional 300 officers for the department as a whole. Now, I have not got them differentiated between that which is specifically allocated for various new institutions and that which is to make up the backlog that we have in the hiring process, but there will be approximately 300 additional correctional officers hired before the fiscal year is out.

NUMBER OF SECURITY OFFICERS HIRED

Senator SPECTER. How many have been hired up to this point?

Mr. GOLIGHTLY. There have been approximately 150 officers hired so far in the fiscal year. Obviously, we have to step up the program.

Senator SPECTER. Are these 300 men solely for security as distinguished from training or educational purposes, or vocational training?

Mr. GOLIGHTLY. Yes, sir, they are.

NEED FOR ADDITIONAL SECURITY OFFICERS

Senator SPECTER. Why is there a need for so many new security officers?

Mr. GOLIGHTLY. Because, Senator, we have been fighting this overcrowding problem. It has been necessary to increase our security force at the jail to compensate for it, particularly pursuant to court orders that we have had there. We have also had to open a complete new institution at Occoquan II, which you saw yesterday, and those have been the chief causes of our correctional officer additions.

We have had two minor causes which have to do with mandatory correctional officer staffing at the central facility and additional staffing also by court order at the maximum security facility. These have been the chief causative factors.

Senator SPECTER. Well, how many security officers did you have beforeyou hired the additional 150?

Mr. GOLIGHTLY. How many security did we have before we hired the 150?

About 1,300.

Senator SPECTER. 1,300 security officers at Lorton before you started to hire the others?

Mr. GOLIGHTLY. That is for the entire department. That has got to do with the detention center as well as Lorton.

Senator SPECTER. Well, of the 300—you talked about the detention center and you are talking about the District jail?

Mr. GOLIGHTLY. Yes, sir.

Senator SPECTER. When you say the 300, are you talking about the District jail and Lorton?

Mr. GOLIGHTLY. Yes, sir, that is correct.

We do not differentiate, as far as our gross hiring pattern as to where they are going on the front end.

BALANCE OF CRIMINAL JUSTICE FUNDING

Senator SPECTER. And where has the other $500,000 been spent or obligated?

Mr. GOLIGHTLY. That has gone into a combination of education and other support services allied to the program. There are contractual services, and there is some hiring of personnel.

Senator SPECTER. What kind of services?

I am having a very hard time understanding you.

Mr. GOLIGHTLY. Contractual services and——

Senator SPECTER. Such as what?

Mr. GOLIGHTLY. Such as the hiring of the PSI organization.

Senator SPECTER. PSI?

Mr. GOLIGHTLY. PSI, to assist them in the education effort.

Senator SPECTER. Would you say what PSI means?

Mr. GOLIGHTLY. That means exactly what it says. PSI. I would have to have Dr. Labat explain that one.

And then the Correctional Educational——

Senator SPECTER. What is PSI?

Mr. GOLIGHTLY. PSI is a consulting organization.

Senator SPECTER. That is the name of a company?

Mr. GOLIGHTLY. Yes, sir. That is correct. And the Correctional Educational Association is the other one.

USE OF CAPITAL OUTLAY FUNDING

Senator SPECTER. Is the expenditure for the trailers included within the $3 million?

Mr. GOLIGHTLY. No, sir, that is out of the capital portion of the program. I have not dealt with that at all yet.

Senator SPECTER. Well, let us talk about the capital portion.

When I asked you what you spent, I want to know what all——

Mr. GOLIGHTLY. Yes.

Senator SPECTER. What else have you spent or obligated?

Mr. GOLIGHTLY. The $3 million in the operating program, I have explained to you, that is all of that. As far as the capital program is concerned, of course, what was allocated there was $7.5 million for the education facilities and another $2.5 million for the improvement of security. Those funds have been used approximately in the areas which have been indicated there.

You saw a portion of it yesterday. Of course, coming on behind those trailers, are permanent facilities.

Senator SPECTER. Can you repeat your last statement?

Mr. GOLIGHTLY. Coming on behind the trailers are permanent facilities. Those were temporary facilities that we were looking at yesterday. There will be permanent facilities which will be built down there on those sites.

Senator SPECTER. Well, how much of the $7.5 million for educational facilities have been spent so far?

Mr. GOLIGHTLY. Senator, very little has been spent so far because they're all in the design stage at this point.

Senator SPECTER. How much has been spent so far?

Mr. GOLIGHTLY. I cannot really answer that question. I do not know.

Senator SPECTER. I need to know.

Mr. GOLIGHTLY. OK, we will find out.

[The information follows:]

AMOUNT OF FUNDS SPENT FOR CAPITAL OUTLAY PROGRAM

Obligations against the appropriations for capital construction under the Criminal Justice Initiative program include $29,000 for project management by the Department of Public Works, $385,000 for design work, and $683,965 for construction contracts.

FUNDING SPENT FOR SECURITY MEASURES

Senator SPECTER. And how much of the $2.5 million has been spent for security?

Mr. GOLIGHTLY. Well, that, in effect, has all been spent because you see the results of it on the grounds down there, with the fencing in place.

Senator SPECTER. And what did that include, in addition to the fencing?

Mr. Golightly.That is all of it because it went all the way around the entire site there.

Senator SPECTER. The fencing cost $2.5 million?

Mr. GOLIGHTLY. The fencing, the towers, the lighting, and the perimeter road, and that encompasses more than just the Occoquan II facility.

Senator SPECTER. Fencing, towers, and lighting?

Mr. GOLIGHTLY. Lighting and the perimeter road.

Senator SPECTER. Can you break down where the $500,000 has been spent on operating expenses for the educational line?

Mr. GOLIGHTLY. Senator, I have here in front of me a sheet which has been given to me by Dr. Labat and perhaps Dr. Labat, you might want to do that.

AMOUNT OF FUNDS SPENT FOR EDUCATIONAL PROGRAMS

Dr. LABAT. To date, Senator Specter, for equipment, we have expended or obligated $220,512. I am rounding off the figures: for maintenance contracts, $4,556; for building, materials and labor—and I will explain that in just a minute—$39,961; for supplies and equipment for the various institutions, $32,194; textbooks, educational materials for classrooms at all of the centers have been obligated in the amount of $216,435; musical instruments obligated in the amount of $35,000; media centers in the amount of $30,000.

Senator SPECTER. You say media centers?

Dr. LABAT. Media centers, meaning updated libraries in the amount of $30,000, and specifically for law materials to date, we have spent $1,719.

Senator SPECTER. Mr. Mayor, come join us. We welcome you here. Let us put you front and center.

Media and updated libraries, $30,000?

Dr. LABAT. Yes, sir.

Senator SPECTER. And what else, if anything?

Dr. LABAT. The last statement was $1,719 for the law center materials and, if my figures are correct, that should come to $580,377.

I have rounded off again.

Senator SPECTER. We have talked about the delivery service on education.

Dr. LABAT. Yes.

VOCATIONAL TRAINING PROGRAMS

Senator SPECTER. What about the delivery service on vocational training?

How does that stand?

Dr. LABAT. On the vocational training?

We have just completed the list of equipment needs and shared that list with the architect who is designing the new permanent facilities. We really have not had a chance yet to process the ordering of that material, but that is coming down the pipeline as quickly as we can do it. So you do not have included in these expenditures the funds for the vocational equipment. That is not included. This is what we have already expended or obligated.

Senator SPECTER. How much do you anticipate spending on the vocational equipment?

Dr. LABAT. We think the vocational supplies and equipment will cost about $1 million; $500,000 for the specific permanent type equipment, and $500,000 that would take care of the movable equipment, and supplies. That projection is that these obligations will be made within the next 2 to 3 months.

Senator SPECTER. When you finish the set up on vocational training, what will the kinds of skills be?

We went over them yesterday. Carpentry?

Dr. LABAT. Yes.

When we complete the vocational training program, we will have the capability to have electricity, carpentry, landscaping-gardening, stationary engineering, and plumbing. Those are the five new apprenticeship areas that we are seeking to have certified.

Senator SPECTER. Dr. Labat, will you be in charge of that?

Dr. LABAT. Yes, sir.

It is my hope that this is available——

Senator SPECTER. The vocational training as well as the education will be under your direction?

Dr. LABAT. Yes, sir.

NUMBER OF INMATES IN VOCATIONAL TRAINING PROGRAM

Senator SPECTER. And how many men do you expect to involve in the vocational training?

Dr. LABAT. I can tell you, if you will give me just 1 second, please.

At Youth Center II, we already have a vocational facility that we will have to better equip and add services to. We will have five vocational areas at Youth Center II.

For the new central facility, we are adding eight vocational areas. That gives us a total of 12 areas——

Senator SPECTER. Five and eight?

Dr. LABAT. I am sorry, 13. Excuse me.

That gives us a total of 13 areas and we hope to be able to accommodate persons in those programs throughout the day. The morning segment could accommodate one group of persons, that is 130 to 150 people in the morning.

In the afternoon, where we are offering a vocational block, we can accommodate the same number. It is our hope to be able to expand that program to accommodate the evening program, so people who are working during the day can enroll in those classes in the evening if they would like.

Senator SPECTER. So you are talking about a total of 390 to 450?

Dr. LABAT. Yes.

Senator SPECTER. Is that going to be the full extent of where you can go on vocational training?

Dr. LABAT. That will be the full extent of classroom space. Let me tell you what we have in mind in terms of including a number of other people.

We are working with the administrators who supervise a farm and we are going to cooperate with them in establishing a greenhouse as a part of that structure, and using it as a classroom area in order to train people in landscaping and gardening. My hope is that we can accommodate about 45 people in that center during the course of the day. There is not a classroom, per se, as we have it on the chart, but that would be a teaching-learning center.

Senator SPECTER. Well, ultimately, how many people receive the benefit of vocational training, then?

Dr. LABAT. I would project that we are trying to accommodate between 800 and 1,000 people in the vocational training; not the apprenticeship program, but in vocational training.

Senator SPECTER. Well, 800 to 1,000.

Dr. LABAT. Yes; because we want a combined program, Senator. We would like to give them the opportunity both for the academic training and for the vocational training.

Senator SPECTER. And how about for the apprenticeship program?

How many will be accommodated?

Dr. LABAT. The apprenticeship program numbers will have to be determined based on the specific qualifications.

NUMBER OF INMATES IN APPRENTICESHIP PROGRAM

Senator SPECTER. What I am trying to get at is how many of these 3,400 men at Lorton will be getting some sort of job skills?

Dr. LABAT. We anticipate at least 1,000 people being able to participate in the apprenticeship area.

Senator SPECTER. How about the others?

Dr. LABAT. The others, we will attempt to accommodate in this way. We want to use the existing institutional structure, the whole area of facilities management to tie into the employees in that department in such a way that we can program residents to work with them on a daily basis to learn a particular skill.

I have discussed it with the Director of Facilities Management. It has not occurred before, but there is no reason why a plumber who goes to central, to repair the plumbing, cannot be teaching people while he is doing that.

Senator SPECTER. Well, Dr. Labat, I can understand that you could only go so far with the moneys which are in hand, but that is not what I'm trying to determine.

So what you are saying is that 1,000 people will be able to participate in programs for job skills but 2,400 people will not?

Dr. LABAT. Yes.

The goal would be to make that opportunity available to all of them.

FUNDING NEEDED TO TRAIN ALL INMATES

Senator SPECTER. What would it take to make it available to all 3,400?

Dr. LABAT. More money. I cannot tell you how much right now, I am sorry. I will be glad to work it out and get the information back to you.

Senator SPECTER. Well, I would like to know.

Dr. LABAT. We will get it worked out, and we will get it back to you.

[The information follows:]

JOBS SKILLS FOR 3,400 RESIDENTS

A review of all available space and program possibilities has been made, in order to ascertain what is needed to provide job training for 3,400 residents. We will use available space in the new trailers, as well as the additional space which will be provided in the new buildings, both during the day and at night. This will make it possible to service all of the facilities except maximum security and Occoquan.

The residents housed at maximum security are not permitted to leave the facility, with the exception of a few persons who do participate in work detail and for whom these experiences can be related to job preparation.

The situation at Occoquan, however, is very different. Occoquan I houses the felons. At the present time there is an academic program in place both day and night, but no vocational program, with the exception of the typing/word processing opportunities.

In order to provide job training in adequate vocational facilities, the following needs would have to be addressed:

A vocational building designed to accommodate 12 occupational training areas would require approximately 15,000 square feet of space. Our administrative office advises that it would cost $2.2 million to design, plan, construct, and equip such a facility. This additional space, together with an expanded night school and day school program, would require an increase in instructional, clerical support, and supervisory staff. This is an increase of roughly 50 percent over and above the already-projected budget, at a cost of $3 million for a 12-month operation. Books, materials, and other supplies are estimated at $500,000.

EMPHASIS OF FUNDING FOR VOCATIONAL AND EDUCATIONAL PROGRAMS

Senator SPECTER. The thrust of where the subcommittee wants to go is to use as much of this money as possible on vocational training and job skills.

Dr. LABAT. Right.

Senator SPECTER. And as little as possible on security and construction.

Dr. LABAT. Yes.

Senator SPECTER. And I know Director Palmer shakes his head on that and I am not saying to you how you allocate it, I am just giving you a feel and a goal. You have to maintain the security, Director Palmer, I understand that.

But the net result is going to be measured by how many people are released who are able to hold a job on the outside, and that is going to determine how many you can educate, that is a great objective that you can shoot for all 3,400 people by October 30, as to the educational program, and as to the vocational rehabilitation, job skills, I would like to see how many you can cover and what you need to cover more.

INTRODUCTION OF MAYOR BARRY

Mayor Barry, let me welcome you here this morning. As you know Mr. Palmer and I visited the District's prison facilities at Lorton yesterday, and I must say that you have made an impressive start there in terms of the educational and vocational program that we envisioned last year when we provided an additional $22 million for those programs.

We observed students in class and saw some of the state-of-the-art type of equipment you have been able to procure to teach students job skills that they can use in the District's job market. I want to build on what we have begun here and demonstrate what can be accomplished in a short period. Mr. Palmer told us that inmate morale is high, they are turning out for these programs in large numbers looking forward to the day when these programs are fully implemented.

With that introduction, Mr. Mayor, I will turn to you for any opening remarks that you may have.

We have gone ahead with some of the nuts and bolts but we turn the floor over to you now, and welcome your comments and your overview.

OPENING REMARKS OF MAYOR BARRY

Mayor **Barry**. Thank you, Mr. Chairman.

I regret that I could not accompany your tour yesterday morning, but as we talked on the telephone about it the day before, every Tuesday I have a policy meeting. I had one yesterday that lasted until 11:30, and I do not like to change it too much. I understand you, Mr. Palmer, and Dr. Labat went there.

Senator **Specter**. We had a good tour and I saw some very impressive things, and I liked what I saw in visiting the grounds and I think is a good start and I commend you on the progress which has been made since we last were reviewing these matters.

LEADERSHIP OF DR. LABAT

Mayor **Barry**. Mr. Chairman, let me say that when we discussed the subject publicly before I had expressed some concern about the slow start we were making. I think we have been very fortunate to attract a talent like Dr. Margaret Labat, who is an outstanding educator and is bringing great leadership to our educational component at Lorton.

I think you can see the results of it in the short time that she has been aboard. I just wish we had her on board on October 1, so we could have moved faster, but we are now there.

TIE-IN TO SENATOR SPECTER'S NATIONAL BILL

Let me say, Mr. Chairman, what we would like to do is use what you have done here, and you certainly have been supportive financially and otherwise, as a way of integrating what we are doing into your national violent crime program, which is Senate bill 889. We think that is the way to go.

This bill clearly expresses your desire to bring about progress on a national scale similar to your overall objectives here in the local area. What we will try to do is to track the ingredients of your national bill and see if we can be in the forefront of those same ingredients locally.

For instance, we were taking some of the money to hire additional classification parole officers. Your bill provides training and job skills in basic literacy just as we are trying to do here. Your bill provides for prison construction. Again, similar to your special capital outlay appropriation of about $9 million to us locally.

Mr. Chairman, your stewardship of this committee has certainly placed the District in the forefront in this critical area of correctional services. We are carrying out many of the objectives identified in Senate bill 889. It is a difficult area, it is a difficult problem as you know.

EMPHASIS OF TRAINING PROGRAMS

As I was listening to the conversation between you and Mrs. Labat, part of our difficulty, as we look at what we are doing and who we are training, is that there are some people who have long jail terms—10 years to life, 15 to life. Obviously, any training you do, you do not want to add to the frustration of 15 years in jail. We want to try to lessen the frustration, and our approach, as you probably know, is to focus on those who have shorter terms in order to get them literate in reading, and writing, so that they can feel some self-respect and be able to compete in this society.

You know the data. I will not go through it with you. In terms of the evening program, we have almost 400 enrollees in classes of reading, language, arts, mathematics, music, typing, and word processing.

FINDING EMPLOYERS TO HIRE EX-OFFENDERS

One aspect of this I think we ought to be rather cautious about to some extent is that we are finding not only in Washington but around the Nation, that there are persons in the business community who are reluctant to hire people with records, regardless of what their skill levels are, regardless to how trained they are or how proficient they are. Therefore, we have to couple, it seems to me, our training model with our jobs availability model.

I have been meeting with and talking to members of the business community. In fact, we will probably establish a business advisory counsel that will assist us in identifying employers who are more progressive and who will take this risk, and give these second-chances a second chance.

I think it would be a mistake to have 200 people coming out of Lorton over a period of 2, 3, 4, 5 months with some skills training, able to hold a job, and really not being able to get a job in an area that is related to what they were trained for. So I think Ms. Labat did not express this, but I am sure she shares my philosophy that we have to couple the training aspect of it.

Our view would be to touch the lives of everyone in Lorton who wants to be touched. Our philosophy is either you get in the job training, and you work. That means your parole board review will not be as favorable as if you are sitting doing nothing, and that is having a tremendous effect psychologically. I would urge us to be cautious in that area, and I do not mean cautious in being aggressive in trying to get business people to hire people, but let us not overload the training side of this equation before we make sure that we have some jobs developed out there.

The District still has an official unemployment rate of over 10 percent; whereas the country is about 7.5 percent.

STABILIZATION OF JAIL POPULATION

But back to our own local program. We think we are on the right track with our population. We also would like to just indicate, Mr. Chairman, that our correctional population has remained relatively stable from January 1983, through February 1984, and in fact, the jail population has declined by 14 percent. We are now down to 1,848.

We think we are going to stabilize at this population rate, both for the sentence and pre-sentence population, until about 1987, at least. We think we now have adequate facilities in terms of numbers to house sentenced and unsentenced prisoners.

CITIZEN INVOLVEMENT IN REDUCING CRIME

We also realize that much still needs to be done fairly soon. I am going to launch major programs aimed at drug trafficking on the streets, and the congregation of crowds on the streets. Over 60 percent of those who were arrested in the last 2 months, as you know, had urinalysis tests. There was some evidence of substance use in their urine. It was a very high number of persons.

It is probably typical in most cities. We have to find a way, Mr. Chairman, it seems to me, to deter crime, and get citizen involvement. The model that you are proposing has been working very well in terms of citizen involvement. We have an outstanding neighborhood watch program. Over 60,000 households are involved in it. We have seen a 25- to 40-percent decrease in burglaries in neighborhoods where there are neighborhood watch programs.

Part of my new initiative is to expand citizen participation, not only the neighborhood watch program, but to try to get young people in our school system involved in being conscious of crime prevention and noncriminal activity. We are tightening up on arcades in our town. In fact, I just signed a bill this morning which forbids owners of businesses to allow young people under the age of 16 to be in the businesses playing arcades during school hours. Those machines, I think, are dangerous and detrimental to their mental health.

Our program is to work with the youth population to stop crime and cut down on it. Even though the national statistics indicate a decrease in crime of about 7 percent last year, we are happy to announce a 13-percent decrease in reported crime in the District.

My own view is that any one crime is too much.

CONCERNS ABOUT SECURITY OF FACILITIES

And the final area that we both share some great concern about, outside of the vocational and training part of our system, and Mr. Palmer certainly reminds me constantly, we have to be concerned about security aspects of it. That is his job. If he did not, we would be disappointed in him, if he did not constantly say, let's keep our prisons safe and secure. They are safe and secure, and they are getting cleaner, and looking better every day. We still have a problem inside our institution with drug use.

URINALYSIS TESTS GIVEN TO INMATES

As you know, we conducted the most massive urinalysis of any prison system in the country. Over 3,300 people had urinalysis tests in a period of 1 week, from March 19 to March 23. We tested some 3,300 residents and the results certainly were not something I was proud of. We had about a 10.2-percent use of various drugs, such as amphetamines, cocaine, and PCP. We have tightened up as you very well know. We have cut out the jitney services. We have tightened up on the searches, and we are going to get that down to zero. We are going to start random urinalysis. Also, Mr. Chairman, the residents now know the seriousness, because those who refuse to take the test—there were 66 of them—had their visiting privileges stopped for 6 months. If we give the test again and they refuse, we will continue the lack of visiting privileges.

We think that is our prerogative to do so.

We also are moving to cut out contact visits with those whose urinalysis show up positive. We are still working on the U.S. Marshals Service to get correctional officers, a certain number of high level correctional officers, deputized to arrest people on the spot who come down to Lorton with drugs.

I think our next drug analysis will show remarkable improvements because people know we are now serious. We will not tolerate it; we will be tough. At the same time we will offer treatment and counseling to those who have had a drug problem over the years.

We are working with the Department of Human Services to provide counseling for those in Lorton who have a history of drug use.

As you know, drug use is basically a disease similar to alcoholism and in my view has to be treated that way and we are moving to do it. So, I wanted to bring that out.

So I think in balance, one, because of your strong support financially, we have been able to do some things that we have not been able to do; and, second, we have been able to succeed in some things that we would not have been able to do because of your help.

We still have some distance to go, but I am encouraged by what I see. At one time, I operated a program for ex-convicts and ex-drug addicts trying to help them get reestablished in the community. I know the toughness in dealing with this population, but I see a great deal of progress and I hope we can continue this progress into 1985.

We will carry over about $3.1 million of the fiscal year 1984 funds, but, again, we are looking forward hopefully to additional support from you in this area, in 1985, to continue the progress that has been made.

I hope you find that it is creative. Sometime, in another 2 or 3 months, we will give a progress report and let the Nation see the kinds of things that we do here.

And succeed in doing them, too. We are going to have some setbacks from time to time because life is one of valleys and peaks, and rain and sunshine. I wanted to come personally. Ordinarily, as you know, I would not come if Mr. Palmer is here, as I come in support of the overall budget. But because of your keen interest in this area and because of your strong support, I wanted to come personally to thank you, and also just to give you a report card on where we are. We are not making all A's yet, but we are certainly not flunking, and I think that is encouraging.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Mr. Mayor. We have your complete statement and it will be inserted in the record.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

Thank you, Mr. Chairman and other members of the committee, for the opportunity to appear before you today to talk about correctional services in the District of Columbia. First, let me thank you for the aggressive and courageous stand you have taken in proposing and defending funding for the District's correctional program. You have supported our basic need for safety and security, and you have provided an opportunity for some bold steps that could have a long-term impact on corrections.

Let me say that I am keenly aware of your interest in the area of correctional services nationally and I applaud your efforts in development of the "national violent crime program," Senate bill 889. This bill clearly expresses your desire to bring about progress on a national scale similar to your overall objective of improving criminal justice services in the District of Columbia.

This bill provides for improved diagnosis and classification of prisoners just as our special appropriation will allow us to hire 31 additional classification and parole staff. The bill provides for training in job skills and basic literacy just as our special appropriation has allowed us to test all inmates for subsequent placement in appropriate training and educational programs. The bill provides for prison construction just as our special appropriation enables us to make nearly $10 million in renovations to facilities at Lorton.

In sum, Mr. Chairman, your stewardship of this committee has cast the District in the forefront in this critical area of correctional services. We are carrying out many of the corrective measures identified by S. 889 and are extremely pleased to serve as a model for the Nation.

Senator, I am pleased to be able to tell you that we are witnessing systemwide progress in the criminal justice area. The incidence of serious crime has decreased, arrests for serious crimes have abated, the correctional population has stabilized, and we are enforcing drug laws with renewed vigor. In other words, we are winning the war on crime!

As was indicated yesterday during your tour of Lorton, we have made considerable progress in implementing the special educational programs. The evening program has 384 enrollees, 335 are at Lorton and 49 are at the District jail. These inmates attend classes from 6:30 to 9:30 p.m. on Mondays and Wednesdays. Classes are offered in reading, language arts, mathematics, art, music, typing, and word processing. An additional 903 students are enrolled in educational programs during the day at Lorton.

I wish to thank you not only for your insight about the support service needs of inmates, but for also providing the funding for necessary facilities expansion. We have expended $3.2 million as of March 31, 1984, and expect to spend another $6.1 million by the end of this fiscal year, leaving $3.1 million for carryover into fiscal year 1985. The projected shortfall for fiscal year 1985 is $9.3 million if we are to continue the educational program at the same level as for this fiscal year.

The capital allocation of $9.9 has allowed us to expand bed capacity at the

Occoquan facilities and add classrooms and vocational shops necessary for smooth operation of the educational programs.

We believe that the 954 additional beds added over the last 2 years and 300 new beds planned for January 1985 will more than adequately meet the prison space needs of the District.

The correctional population has remained relatively stable from January 1983 through February 1984, and the jail population has actually declined by 14 percent. The current jail population is 1,848. Furthermore, indices for estimating short-term change in the District's prison population, such as the number of convictions and arrests, suggest continued stabilization in the size of the inmate population over the next 12 months.

Numerous reasons account for changes in prison populations: political environment; changes in sentencing laws and practices; law enforcement policies; illicit drug availability; the number of persons in the high risk age group; and economic conditions. Because these factors fluctuate in a manner difficult to predict, criminal justice researchers and practitioners agree that projections of prison populations are tentative and subject to a fairly substantial margin of error.

Projections prepared by my staff, that are primarily based on future estimates of the size of an "at risk population group" (males, 20 to 29 years), appear to be more on target in predicting future patterns in the size of the District's incarcerated population.

These projections predict future changes in the District's sentenced and unsentenced populations. Prior projections performed by the Federal Bureau of Prisons and presented in the GAO report failed to make this distinction. The analysis performed by my staff indicates that the District's sentenced population will remain at approximately 5,500 through 1987, while the unsentenced population will remain at approximately 950.

As the baby boom cohort moves to higher age ranges, it is predicted that beginning in 1988, the District's sentenced population will gradually decline in size to approximately 4,700 by 1994, while the unsentenced population is projected to decline to approximately 800.

I realize this committee holds some of the same concerns I have about drug use in our institutions.

During the week of March 19–23, 1984, we tested some 3,300 residents of the Department of Corrections' seven institutions to determine the presence of four substances: opiates, amphetamines, cocaine, and PCP. Of the 3,322, three hundred thirty-eight (338) residents tested positive for illicit drug use. These 338 inmates comprise 10.2 percent of the total number.

We do not have comparative data to determine the national average level of drug use in institutions since we are, to the best of my knowledge, the only jurisdiction in the country that has conducted this type of comprehensive testing program. Let me say, that I am committed to eliminating drug use in our prisons. A 1-percent rate is unacceptable to me! It is my aim to reduce the incidence of drug use in our institutions to zero, and with the measures of enhanced searches of visitors and increased penalties for violations, I believe this can be done!

Furthermore, inmates will soon learn that drug use in prison will delay release on parole since we will place greater emphasis on detecting drug use and discouraging it with all the resources available to the government.

I now wish to focus my attention on Senate bill 889, the most comprehensive piece of criminal justice legislation of the past decade. While this bill addresses the need to contain violent crime, it achieves its aim by addressing the ancillary issues as well.

It is of unquestionable value in controlling crime to emphasize prevention, victim witness assistance, research, training and remediation for prisoners, drug treatment, and juvenile delinquency intervention, each of which is covered by this legislation. Furthermore, it is crucial in these times of Federal retrenchment, increased demands for social services and high unemployment to remain cognizant of the need to approach criminal justice issues and concerns from a systemic perspective. S. 889 accomplishes this goal as it includes an acceptable philosophical approach for reducing violent crime and provides funding to support needed programs.

As you are aware, the District has already implemented many of the elements contained in this legislation. The success attained by the District through implementation of programs proposed in this legislation should certainly lend to the credibility of your proposed initiatives.

For example, the District has, for several years, successfully operated career criminal units for both juvenile and adult offenders. The Metropolitan Police Department, in conjunction with local prosecutors, identifies individuals who are known career criminals. They document prior criminal histories so that prosecutors and judges can take extensive criminal backgrounds into account when considering prosecutorial options, bond-setting, and sentencing. Earmarking resources to arrest, prosecute, and lock up the relatively small number of individuals who account for a significant percentage of crimes is a reason often cited for the District's overall 12-percent reduction in reported crime in 1983.

Your proposed legislation also calls for assistance in expanding national crime prevention efforts. The District has enjoyed great success in gaining the support of citizens in the fight against crime. Currently, there are over 63,000 households participating in neighborhood watch programs. Special crime prevention workshops for businesses are being held on a regular basis throughout the District, and police officers and drug prevention specialists have been assigned to work with public school children who are at risk of becoming involved in criminal activity. Crime prevention programs work and they represent the most efficient way to curb future crime!

Other ongoing District criminal justice initiatives that are compatible with elements contained in your proposed legislation include a victims of violent crime compensation program, special juvenile deliquency intervention programs, and special detective squads that concentrate on arresting drug dealers and breaking up fencing operations.

Crime is a national problem that requires a coordinated effort by the Federal and local governments. Bill S. 889 offers this approach, and proposes to fund initiatives that have proven to be successful in the District as well as other jurisdictions. For these reasons, I fully support enactment of bill S. 889 to authorize appropriations for carrying out the national crime program of the Department of Justice.

In conclusion, I again want to express my appreciation for the progressive support provided the District by this committee and I hope these measures will be replicated across the Nation through passage of Senate bill 889.

PLEASED AT WORK DONE BY MAYOR

Senator SPECTER. I appreciate your being here and I appreciate very much your leadership and I think we are moving in the right direction.

We have posed a number of questions which we are going to want to follow up. I think that progress is good. I like what I have seen. We are talking about 1,300 people being in the educational program now, we are looking for 2,000 by September 30, and we are looking for all 3,400 people by October 31, and then on the vocational side we have made some projections here, and I will be following up in the course of the next several weeks as to how many people are covered, and what the needs are to cover them beyond.

The subject about finding jobs is very important. I would be glad to try to be of some assistance to you on that. Perhaps some hearing would be helpful where we might bring some people in from the city to try to explore how we do that, and also how we can find employment through the Federal Government.

INVOLVEMENT OF FEDERAL GOVERNMENT AND PRIVATE SECTOR

I think the Federal Government should participate in the employment project. I do not have an answer to it, but I would be interested.

Mayor BARRY. Mr. Chairman, I think that would be another aspect, that is why I raised it at this time.

For instance, I signed about 15 bills this morning, and one of them would require persons who have D.C. government contracts to use our employment service centers as a first source of having people referred to them. Again this is a way of focusing on the problem of getting the private sector to provide jobs for the inmates who are released.

But I think we are going to have to get the Federal Government, the D.C. government, and the private sector to focus on the job aspects of this program. We have to do it. There are still a few laws prohibiting the hiring of ex-offenders in areas dealing with money and others where people have a history of maybe taking it.

I cannot think of any area that should not try to get people working.

Senator SPECTER. Mr. Barry, I would appreciate it if you would take a look at what might be doable by way of employment by the Federal Government and let us explore that beyond.

WARD CENTERS PROGRAM

Mayor BARRY. Also, Mr. Chairman, let me indicate another aspect of this program that I am just excited about, and that is these ward centers. I think they are going to go a long way in providing the support system the inmates need, once they leave the institutions.

I find that too often we do not keep the support systems going and life is tough out here, as you very well know. These centers will provide access and information. We will have seven of those centers located in all of the wards of the city except ward three, because there is not much of an ex-offender population there, This is going to be another innovative part of this program. I would suggest that maybe as part of your national legislation you would look at this, because ex-offenders do need to have someplace and some people to continue to work with them, to follow up on them, to keep encouraging them, and to keep them on the up elevator as opposed to the down elevator, as Dr. Labat says, the up escalator and not the down escalator. That is another aspect of this program that I think is going to be very exciting. We are looking forward to launching that and getting it started and getting people in place, and moving ahead. The hotline is going to be very important to people to pick up.

SUBCOMMITTEE RECESS

Senator SPECTER. I think those are excellent ideas.

Well, thank you very much, Mr. Mayor.

Thank you very much, Director Palmer, Dr. Labat, for being with us today, and we shall keep talking.

Thank you.

[Whereupon, at 11:50 a.m., Wednesday, May 9, the Subcommittee was recessed, to reconvene at 9:45 a.m., Wednesday, May 23.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, MAY 23, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 9:47 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

NONDEPARTMENTAL WITNESSES

OPENING REMARKS

Senator SPECTER. The hearing of the District of Columbia Subcommittee of the Committee on Appropriations will come to order.

This morning the subcommittee will hear from a number of community organizations and citizens on the operations of the District of Columbia budget for fiscal year 1985.

We will begin at this time with Mr. William Simons, president of the Washington Teachers' Union. Would you step forward, Mr. Simons? We are pleased to have you here, and we look forward to your testimony.

All statements which have been submitted will be made a part of the full record, and we would appreciate it if the oral presentation could be limited to the 5 minutes allotted under the committee's practice.

Good morning.

WASHINGTON TEACHERS' UNION

STATEMENT OF WILLIAM H. SIMONS, PRESIDENT

Mr. SIMONS. Good morning, Senator.

Thank you for inviting us to make a presentation this morning. With me is the legislative assistant for the union, Charles R. Braxton.

A statement has been submitted for the record, and I shall not read that. I simply want to make a few comments with respect to the budget for the Board of Education.

First of all, the proposed budget that is before you for $338 million is totally inadequate for the school system's needs. The budget, for example, does not include any funds whatsoever for salary adjustments for fiscal year 1985, and negotiations for those adjustments will begin some time in October. The budget will merely keep the ship afloat for another year.

Now, while the capital outlay budget is separate from the operating budget, I must comment on the budget at this time. The proposed $11 million for the capital outlay budget for physical plants which house students in this city have been neglected for a number of years in terms of maintenance because of the budget constraints. Therefore, we are now in a position that these neglected repairs are coming home to roost, and it would take approximately $50 million in capital outlay budget to put all of the plants in a condition that would really be conducive to student progress.

Last year Congress appropriated $350,000 for a feasibility study to look at various ways and means of upgrading the teaching profession. Those funds have been used. The report is completed and will be forwarded to Congress some time within the next month.

Still it is my firm belief, as I expressed last year, that more could have been accomplished if that money had been added to the operating budget or even to the capital outlay budget.

The report will have one major assumption. That is that before we embark upon any new programs in terms of what the committee suggested the fundamental needs of the system must be met, and I would submit to you that the current budget under consideration will not meet all of the basic needs of the system. Therefore, I strongly urge that the basic budget be taken care of and augmented before any additional moneys are spent for any new programs.

FEASIBILITY STUDY TO UPGRADE TEACHING PROFESSION

Senator SPECTER. Thank you very much, Mr. Simons.

Do you think that there was any value to the study which has been undertaken that you referred to?

Mr. SIMONS. Yes; I think that the study did prove to be very useful. The survey that was made by the committee on the opinions of teachers certainly was enlightening.

Senator SPECTER. To what extent has that study been directed to the issue of the merit pay for teachers, Mr. Simons?

Mr. SIMONS. Well, we dealt with a number of programs. Merit pay, as such, was discarded by the committee, but rather, it took a very hard look at what we call the career ladder program with differentiated staffing, which would provide for upward mobility for teachers. However, it would not be based strictly on simply evaluation.

Senator SPECTER. Would it be based to any extent on an evaluation of merit?

Mr. SIMONS. Oh, yes. There would be evaluation. You have to have an evaluation system in order to make any program effective.

Senator SPECTER. Do you think that there is anything to be gained by tying teacher's compensation in some direct way to a merit evaluation?

Mr. SIMONS. Well, if you are going to take in a number of factors, you can do it, but first you have to develop a system that is truly going to evaluate the performance of teachers.

Senator SPECTER. So you are saying that there must be some realistic and genuine way of evaluating performance before you can have any determination of compensation on the basis of merit?

Mr. SIMONS. That is correct, and I would call your attention to the situation in Fairfax County. That county was supposed to embark upon a system of paying teachers based on performance, but the superintendent is asking that there be a delay because he does not feel that the current evaluation system has been tested so as to be an effective instrument. I think that you will find that throughout the country.

You have to do first things first. Get a system, and then talk about how you are going to use this system in terms of compensation.

Senator SPECTER. Well, the subcommittee will be anxious to see the report, and perhaps after we see that there would be an occasion to have further comment about this important subject.

When you make your comments, Mr. Simons, about the inadequacy of the current budget, to what extent have your contentions been evaluated by the City Council and by the Mayor in arriving at their budget proposals?

Mr. SIMONS. We submitted testimony to the City Council and talked with the Mayor about the budget, but I think the problem is that the city is trying to live within the constraints that are imposed upon it, and therefore, the budget was one that was reached in agreement with the Board of Education in an effort to try to stay within those constraints. But the city is well aware of the fact that the budget is inadequate, and as the Mayor has indicated, he was starting with a zero base salary adjustment for fiscal year 1985 with municipal employees. The Board of Education has gone along with that.

Senator SPECTER. We will take a look at this issue to the extent that we can when the Mayor appears and presents his budget, and I do understand the problems. It is a situation that we face, the Nation faces, every city faces, and the Federal Government does too. I, for one, am very sympathetic to the problems of the educational system and realize that we have to make a maximum effort on resources on that very important line.

Mr. Simons, thank you very much for appearing. I wish that our time availability, like our budget availability, was more extensive. But we appreciate the contribution which you have made, and we appreciate your testimony this morning.

Mr. SIMONS. Senator, I would just simply say the name is Simons, not Simmons, if you do not mind.

Senator SPECTER. Thank you, Mr. Simons.

[The statement of Mr. Simons follows:]

STATEMENT OF WILLIAM H. SIMONS

Mr. Chairman and Members of the Committee, the Washington Teachers' Union supports the budget proposed by the District of Columbia Public School System. Unfortunately, in our view, the proposed funding allocation schedule for the correction of deficiencies in plant and equipment is totally inadequate.

While it accommodates the City's fiscal constraints, we have now reached a perilous level in the several facilities noted. Roof leaks, crumbling plaster and warped floors are but a few of the conditions now being endured. Others include deteriorating concrete, eroded wiring and inoperative security systems.

Teacher as well as other employee complaints have been numerous and frequent. Widespread dissatisfaction exists with malfunctioning plumbing which remains "out of order" often indefinitely.

These, in many instances, are health threatening and safety hazardous conditions, much of which, must remain for project funding sometime within the next five years. These conditions have reached a critical stage at a time when demands grow upon the schools. Teachers are being called upon to teach, and teach effectively; children are being called upon to learn through greater concentration, each under conditions of great distraction if not peril.

But a cold child in the winters ahead may dimly wrestle with an arithmetical concept or verb conjugation.

Nonetheless, teachers' records must show the progress or lack of same at the appointed hour.

The steady fall of water drops to a puddle on the classroom floor can be potentially distracting. A child's attention is easily drawn from the immediate learning tasks by unusual happenings.

If it seems that our support of this budget is less than enthusiastic, it is.

Mr. Chairman, the accumulative effects of these, and other types of neglect are noted in Ernest Boyers "High School, A Report on Secondary Education in America." Specifically, he asserts, "Meanwhile, much needed repairs are being delayed for lack of funds." He continues, "Tax and spending limits enacted...since 1977 have brought about sharp cuts in maintenance."

The National Science foundation observes "...the public schools are not equipping children with the intellectual tools needed for the 21st century." I would agree. We are having difficulty keeping them warm and dry today. And reverting to Boyer, the root problem is funding resources. Nationwide, he (Boyer) finds 6.7 percent school budget allocation for maintenance compared with 8.6 percent in 1970; 9.6 percent in 1960 and 14.1 percent in 1914.

It is understandably difficult for decision makers outside of the classroom to accurately picture realities there. Additionally, the schools have not been immune from the fiscal cuts of recent years. As with other public education systems, funds have been shifted to continue needed services. Had the Congress not acted supportively on education programs, schools, here and elsewhere, would have been more critically affected.

The City, which bears mainly, the fiscal obligations for education and other services, here, has not gone unscathed either.

It does have an economy crippled by, what I term, artificial constraints. The Chairman's often repeated goal of ending this Committee's role in the City's affairs remains a commendable part of wisdom. Nevertheless, we are economically pained in many ways. The diversion of locally appropriated funds to compensate for reduced federal program support has produced fiscal strains.

A quiet note of this occurrence is found in the "District of Columbia FY 85 Operating Budget." On page II-8, a one line sentence goes as follows, "...the drop in expected income tax revenue growth in FY 1984, to 4.0 per cent from 7.9 per cent has contributed to the overall local revenue problem." That decline may readily be traced to rising unemployment levels and the adverse revenue impact.

The City entered the '80s with a labor force of approximately 318,000. Unemployment then was about 218,000 or 7 percent. Today, the labor force approximates 316,000 with 38,100 unemployed. The unemployed figure represents 12 percent of the work force. An arbitrary calculation of the tax loss involved may be an indicator of interest. Using the *1981 net tax liability at the mid-income range of $10 - 14,999, the average tax liability is $491.00. Multiplied by 38,100 derives a revenue loss of approximately $18.9 mil. Use of the data in this manner is admittedly conservative given the averaging increase comparable to that of this revenue source alone for succeeding years.

The Mayor and the Council reacted to a socially as well as fiscally damaging contingency using the only alternative available --- allocation of critically limited local funds.

The words of the Department of Employment Services budget says it best. "With the federal government as our base industry, economic and job growth has been slowed in all sectors from levels which otherwise would have prevailed."

Importantly, federal support in job training and employment related programs declined (1980-1985) $39211.0 mil.

The same litany is repeated in other program areas, seriously handicapping this City.

Equally noteworthy is the further reference to the federal payment. Frequently regarded as the federal government's gift to

---

* latest available data

the City, it is, in reality, an uncertain federal obligation. The 12.2 percent increase in 1982 for this funding in lieu of taxes will, according to the projection, decline 5.3 percent to 6.9 by 1985.

Local property taxes, in contrast, will have risen 46.0 per cent over the same projected period --- for approximately 45.0 per cent of the land area not under federal government control.

And so, Mr. Chairman, and Committee Members, we are here before you seeking authorization to do this.

Much of this narrative may appear repetitive in referencing the budget data. But we have deliberately sought to emphasize and reinforce those positions. While the budget may presume some doctrinaire fiscal concept guideline, we, nevertheless, intend to cite the shortcomings implicit in the data. Indeed, there is more to be said, here, in this vein. To do so, I'm sure, belabors the point. But our argument establishes the recognition of the local predicament.

FIREFIGHTERS ASSOCIATION

STATEMENT OF WILLIAM E. MOULD, PRESIDENT

ACCOMPANIED BY KENNETH COX, THOMAS TIPPETT, AND JOHN P. DEVINE

Senator SPECTER. Our next witness is Mr. William Mould, president of the Firefighters Association.

Mr. MOULD. Good morning, Senator.

Senator SPECTER. Good morning.

Mr. MOULD. With me this morning I have Kenneth Cox and Thomas Tippett, members of our executive board. I am pleased to have John P. Devine, the former Assistant Fire Chief of the District of Columbia Fire Department.

We have submitted testimony, and I will not go through and read it, but I would like to highlight it for you.

Senator SPECTER. Thank you.

Mr. MOULD. And before I begin that, I would like to thank you for your cooperation that you have extended to the firefighters in the past, namely helping us in our efforts to get our heavy duty rescue squads back, and certainly the roles that you have played in seeing the city maintain their fireboat, as they were trying to do away it with last year.

Senator SPECTER. How are those facets working out at the moment?

Mr. MOULD. We do have the rescue squads in place now. The fireboat has just undergone extensive renovation and was brought back to the dock just last week, and it is undergoing trials right now, but they are maintaining them as had been directed by the Congress.

Senator SPECTER. Very good.

Mr. MOULD. This year we have come to you with some more problems, as usual. In outlining those problems, we indicated the number of alarms that we have responded to this year to show that the productivity is on the rise, and I would like to point out that there is a typographical error on page 2. In the local alarms, the projection for 1984 should read 41,860 as opposed to 27, and the number of second alarms should read 27 as opposed to 6, and the third alarm, 6 as opposed to 1. So if you could make that correction, we would appreciate it.

Those figures are, in fact, to show that the productivity to date has increased over last year, and certainly there will be a dramatic increase projected for the end of fiscal year 1984.

Taking all of this into consideration, the department, we feel, is still underfunded and, in fact, has failed to ask for proper funding both from the City Council and from the Congress.

We have provided for you also figures on overtime and what the past history has shown within the department, namely for fiscal year 1980, the department requested $1.2 million and, in fact, spent $2.2 million; and in 1981, requested $0.5 million and, in fact, spent $3 million; and in 1982, requested $0.5 million again, and spent $3.7 million; 1983, $330,000, and spent $2.5 million; in 1984, $550,000, and they have exceeded the request already.

So in their budget request and when they come to testify before you, we would ask that you take a look at that and form your questions around those particular areas.

The fire loss, in fact, has doubled in the last year. It is up to $27 million. The number of fatalities due to fire so far this year is 32, as opposed to 16 in all of last year, and we still have 5 months remaining.

Also in the report is mention of the ambulance service in which the District of Columbia has 17 ambulances that provide emergency medical assistance to the residents and visitors of the District of Columbia. There is, and we can document by report, a shortage of supplies that does not allow the emergency medical technicians to provide the necessary care that, indeed, our residents should be supplied.

STAFFING OF THE FIRE DEPARTMENT

In the end, and our main reason for being here, is the staffing of the fire department. The chief, in his reports before the Council and, in fact, before the House, has made mention on numerous occasions about trying to reduce the staffing of the District of Columbia Fire Department. We feel that this needs your attention. We are asking that you put in a staffing level of 295 positions for the District of Columbia Fire

Department, and the chief is trying to reduce that on top of the fire loss that has doubled and also the loss of life that has doubled in the course of the last year.

Senator SPECTER. And what is the level of staffing which you think should be present?

Mr. MOULD. 295 positions.

Senator SPECTER. What is the proposal made by the city administration?

Mr. MOULD. 240.

As I said, I am pleased to have with us today Chief Devine, former chief of the department. He has done some analysis and studies across the country in his capacity in working with the International Association of Firefighters since he has retired. We would like to submit for the record this study that he has done, and it will show cities of comparable size and population across the country and what they have, their staffing levels.

Senator SPECTER. What is the essence of Mr. Devine's conclusions?

Mr. DEVINE. When we compare different fire departments across the country, based on the size and the density, we compare in the upper 20 percent of those departments that are on the bottom percentile. For instance, cities that are ahead of us——

Senator SPECTER. You are at the upper 20 percent, but at the end of that?

Mr. DEVINE. Right.

Senator SPECTER. So 80 percent of the cities are worse off than Washington?

Mr. DEVINE. That is true.

Senator SPECTER. How successful is the fire department on meeting its principal obligation of fighting fires?

Mr. MOULD. The D.C. Fire Department is a very fine fire department, and what we are trying to do is guard its operation and to keep it at that fine level it has been at over the years.

Senator SPECTER. So your contention is that we are going to see the ill effects somewhere down the road?

Mr. MOULD. We are seeing some of the effects right now. This year in particular has been a disastrous year.

FINANCING OF THE FIRE DEPARTMENT

Senator SPECTER. What is the total figure which has been submitted by the city for the financing of the fire department?

Mr. MOULD. Roughly $56.4 million.

Senator SPECTER. And what would you like to see?

Mr. MOULD. Well, dollarwise, we believe that the figure, if managed correctly, the roughly $56.4 million, could be handled if it were managed correctly, and if the staffing level was kept in the fire fighting. The chief has proposed——

Senator SPECTER. So you think the total figure is satisfactory, but it is just a matter of better allocation?

Mr. MOULD. I would say that the total figure is very close to what would be satisfactory.

Senator SPECTER. And what is it that would be satisfactory, aside from being close?

Mr. MOULD. I would say in the neighborhood of about $58 million would enable them to provide the most efficient fire service that we think is needed for the District of Columbia.

Senator SPECTER. All right. We shall take a close look at it. I am sorry that we have not had the city testify in advance of these hearings today, and the reason for that is that all of the other hearings had been set, and they were postponed at the request of the various city departments. Once notice is given for community participation, we do not like to change those schedules because people do make commitments. It would be a more orderly process had we had the other testimony first, but given the alternative of postponing these hearings further, we decided to proceed on this basis at the present.

We are pleased to have been of help to you in the past on the items you enumerated, and we will take as close a look as we can.

Mr. MOULD. Thank you very much.

[The statements of Mr. Mould and Mr. Devine, along with their attachments, follow:]

STATEMENT OF WILLIAM E. MOULD

Senator Specter, members of the District of Columbia Sub-Committee on Appropriations, my name is William E. Mould, President of the District of Columbia Fire Fighters Association, Local 36, of the International Association of Fire Fighters, AFL-CIO-MWC. Accompanying me are two members of my Executive Board, Kenneth M. Cox, Sr. and Thomas N. Tippett. We are appreciative to you and your Committee for allowing us this opportunity to discuss some serious deficiencies that presently exist in the District of Columbia Fire Department and these deficiencies are directly related to the budget.

The District of Columbia Fire Department is currently experiencing one of its greatest tests in recent years as we daily engage with man's earliest enemy - fire. In the first seven months of FY 84, thirty-two (32) civilians have perished in fires, (compared to sixteen (16) in all of FY 83). The personal property loss for all of FY 83 was $27 million. The first seven months of FY 84 the dollar loss has escalated to a staggering figure of $25 million and we still must anticipate that his amount will climb higher as we finish the remainder of FY 84. Grim as these figures are the city firefighters are also experiencing a tremendous increase in their productivity. In the interest of time I have listed the responses and multiple alarms for FY 1983 and compared these figures with the first seven months of FY 1984. These figures speak for themselves.

	FY 1983	As of May 1, 1984	Projected for Fy 84
Box Alarms	2,817	1,782	3,057
Special Alarms	456	307	676
Local Alarms	36,927	24,421	41,860
2nd Alarms	18	17	27
3rd Alarms	3	3	6
4th Alarms	0	1	0
5th Alarms	0	0	0

Despite the increase in civilian deaths - the escalation of personal property loss and the increase in productivity, the Department's share of the percentage of the District's operating budget is continuing to be reduced. (See enclosed figures) Its current share is a meager 2.6%.

Senator Specter, when Fire Chief Coleman appeared before the House Budget Committee on May 15, 1984, the first question he was asked was "whether this budget is more or less than was originally submitted to the City Council"? Unfortunately, the Chief incorrectly stated that the budget was less. In order to clear up any doubts that the Committee might have, please allow me to set the record straight. The City Council, under the leadership of Councilperson Rolark, the Judiciary Committee, and later the full Council, restored $1.7 million to the Fire Department Budget and adopted the following language, "the Committee is concerned about the manning of the Fire Department in light of the recent rash of fires and deaths and injuries associated with those fires. The Committee recommends a restoration of $1,700,000 to fund an average of 105 currently unfunded positions for 9 months so as to permit full manning of all companies and equipment and provide increased ambulance services, particularly in those areas east of the Anacostia River which, have been sorely neglected in the past". Local 36 commends the action of the full Council.

Concerning the budget presently before this Committee, we feel that once again the department has failed to request enough funds and the largest and most obvious deficit will be in the area of overtime. Again lets look at the record.

Past History

	Overtime Budget Request	Spent
1980 -	$1,173,600 = 1.2 million	$2,195,796 = 2.2
1981 -	544,600 = 1/2 million	3,009,808 = 3 million
1982 -	544,500 = 1/2 million	3,775,720 = 3.7 million
1983 -	333,300 =	2,505,627 = 2.5 million

During the hearing on the FY 84 Budget, the House D.C. Sub-Committee on Appropriations inquired to Fire Chief Coleman if the budgeted amount for overtime ($333,000) was sufficient? Both Chief Coleman and Ms. Marshall assured the Committee the amount was enough. Three months later, on January 10, 1984, the Union was notified by Chief Coleman that "the Department has already exceeded budgeted overtime for FY 84". This budget shortfall, with the inevitable result of forcing the department to operate in a deficit situation, has forced the department to severely limit the granting of annual leave and has placed in jeopardy any vacation plans individuals have made in FY 84. We urge the Committee to closely examine the proposed budgeted amount and, based on past performance and past history, draw your own conclusions as to whether this amount is adequate.

The District of Columbia Fire Fighters Association have testified before this Committee on numerous occasions and never once have we appeared with a shopping list or a "wish list" containing frivolous needs or desires. And again, today we appear to merely point out, what we see as problem areas, that unless corrected or addressed by this Committee will cause problems in FY 85 that will affect the safety and well being of the citizens, workers, visitors and firefighters in the Nation's Capital.

In the interest of time, we will list some areas that the Chief has failed to address:

-- At a time when the City has been experiencing one of the worst periods of fire deaths and property loss in recent history, the Chief proposed the elimination of 200 firefighters (45 positions). Even after the Judiciary Committee of the Council rejected this ill-conceived proposal, he continued to lobby for it in the press, telling the Washington Post "if I have five rascals on the fireground and I'm not utilizing four, what do I need them for"?

-- The Chief failed to place the four new Heavy Duty Rescue Squads into service when mandated by Congress, and misled congressional subcommittees into believing that the squads were in full service when in fact they were not.

We can't help but wonder what happened to the $1.2 million that was appropriated for the Rescue Squads to be placed in service during FY 83 and was never done?

The Department has allowed fire stations to deteriorate to unacceptable conditions from the standpoint of health and safety, and the Chief has attempted to hush up the problem by imposing a gag order on firefighters who sought to protest unsafe firehouse conditions. This gag order is currently being challenged. What is more preposterous, while allowing the fire stations to deteriorate, the department undertook a costly and unnecessary remodeling of the Office of the Fire Chief, Fire Administrator, and the two Assistant Chiefs. We estimate that the Department exhausted 8% of the FY 1984 overtime budget to pay to perform the remodeling work. (See enclosed article from the Washington Times, Washington Times Editorial and invoices).

The adequate delivery of Emergency Medical Service still continues to be a problems - and the crux of the problem continues to be funding - excuse me - underfunding!! We have enclosed a report dated April 23, 1984 by the new Chief of the Emergency Ambulance Service. One of his first duties upon taking the reins of this most important life saving service was to take inventory of equipment and supplies, what he discovered is appalling and certainly needs to be addressed by someone. We had hoped that the department would address the Ambulance Chief's charges "that funds are not available to meet the demands of the service". The report further charges that life saving drugs are unavailable at this time due to lack of funds. Approval for anti-shock trousers has been given, but again - no funds to purchase. A recent article on the Emergency Ambulance Service in the Washingtonian Magazine - March 1984 called "the use of emergency vehicles (ambulances) in the District often seems to be a model of inefficiency". The article further went on to detail "how ambulances and medic units would be in constant danger of running out of one thing or another if hospital officials didn't turn their heads to the pilfering of supplies by medic". "Every one of us has become a pretty good shoplifter", admits one paramedic. We have enclosed a copy of the article for the record.

Finally, and we feel most importantly, is the staffing level at the heart of the Fire Department - the fire fighting division. In their presentation before the House D.C. Sub-Committee on Appropriations, the Fire Chief told the Committee he needed the "flexibility" to make adjustments to staffing needs. It must be stressed this is the same statement he gave to the D.C. Council and they turned him down! The Chief requested permission to cut 200 fire fighting positions from the fire fighting division - and the

Council denied him that request. In fact, in denying the cuts, the Judiciary Committee adopted strong report language (which we read earlier) that not only indicated their desire for full manning, but more importantly they added $1.7 million to accomplish this goal. While the individual staffing of Engine, Ladder, Rescue and Marine Companies is the subject of collective bargaining, we would urge this Committee to adopt language, similar to the language that was adopted for the Metropolitan Police Department - i.e. (a staffing level of 3,880 officers), that would call for the Fire Department to maintain a staffing level per shift of at least 295 work stations which would provide for the adequate staffing of 32 Engine Companies, 17 Ladder Companies, 4 Heavy Duty Rescue Companies and 1 Marine Company in the District of Columbia.

We thank you for your time and await your questions.

District of Columbia Government

(Operating Expenses)

Fiscal Year	Total, D. C. Appropriation	Fire Department Appropriation	Fire Department Percent of Total
1965	$294,142,177	$17,089,100	5.8
1966	315,278,345	17,624,770	5.6
1967	350,260,900	19,714,900	5.6
1968	406,117,764	21,738,300	5.4
1969	474,495,388	23,433,270	4.9
1970	571,713,113	27,536,029	4.8
1971	636,872,169	28,493,500	4.5
1972	693,668,700	30,728,200	4.4
1973	782,057,800	35,297,000	4.5
1974	841,371,200	36,258,800	4.3
1975	919,933,400	41,946,200	4.6
1976	1,042,142,700	42,825,000	4.1
Transition Period ...	248,130,200	11,001,700	4.4
1977	1,131,043,500	46,853,800	4.1
1978	1,260,791,300	53,834,000	4.3
1979	1,335,746,400	57,097,000	4.3
1980	1,426,093,300	59,701,900	4.2
1981	1,543,477,100	41,644,500 1/	2.7
1982	1,743,682,500	45,421,100 1/	2.6
1983	1,888,358,100	50,331,900 1/	2.7
1984	2,055,279,200	52,548,200 1/	2.6

1/ Excludes funds for Fire Retirement System.

CITY FIREFIGHTERS UPSET AT SHAPE OF NW STATION

By Michel Marriott

Washington Post Staff Writer

District firefighters, long dissatisfied with working conditions in their 83-year-old firehouse in upper Northwest Washington, welcomed a tour yesterday by city inspectors checking for life-threatening hazards.

A spokesman for the D.C. Office of Occupational Safety and Health said the inspectors' findings would be released later this week.

Meanwhile, the firefighters' long-running dispute with city fire officials, who have acknowledged that the building is in need of extensive repairs, was exacerbated by what firefighters said was a department order that they not talk to reporters.

"It's frustrating," a firefighter assigned to Engine Company 20 said in defiance of the order. "These are depressing conditions to work under, especially when you have to risk your life . . . . It just makes it harder."

The problems of Engine Company 20, housed in a beige brick building at 4300 Wisconsin Ave., are documented in a series of work request forms dating back to 1979, which were made available to a reporter.

The documents detail broken windows throughout the building, doors that will not lock, faulty plumbing, broken plaster and flaking paint, unventilated garage areas, broken concrete floors and poor electrical wiring.

And each of the station's last five captains has recommended that the firehouse either be replaced or extensively renovated.

Two weeks ago, the firefighters' union wrote a letter to D.C. Fire Chief Theodore R. Coleman, describing the working conditions at firehouse 20 as "becoming untenable."

Battalion Fire Chief Rayfield Alfred, speaking for the department, said the firehouse is scheduled for replacement in 1987. In the meantime, he said, some "cosmetic" repairs are planned.

"Engine 20 is an old house that needs a lot of work, we can't deny that," Alfred said, adding that conditions at the firehouse are not typical of conditions at the city's other 31 fire stations.

Some of the cosmetic improvements, Alfred said, will include repainting the firehouse. Under its basement steps, 70 gallons of white latex paint are stored in five-gallon drums. Nearby are several cardboard boxes containing several new toilets.

For months, the materials have been gathering dust, station personnel said. The firefighers said they have become so frustrated with department indifference that they refuse to pitch in to work on repairs—a practice customary in firehouses across the country.

"We have been overlooked for so long, why should we get stuck with it?" firefighter Nickolas Wuckovich said last week, before the gag order was issued.

In the meantime, raw sewage from a second-floor toilet leaks through a blistered ceiling to the kitchen below, a reporter observed.

"I just get irritated," said Capt. Paul Jackson, who has been the firehouse chief for the last two months. "Every 10 to 12 days I send a new batch [of work request forms] in, and we hear nothing."

Wuckovich, who has been stationed at Engine Company 20 for more than 21 years, said it is part of a familiar pattern.

"I've seen the captains come and go, but nothing changes," he said. "It just progressively gets worse and keeps going downhill."

Last Friday, the city's Office of Weights and Measures condemned the station's gasoline pump, according to Jackson.

"I've been battling it for a month," he said of the pump. He added that he was pleased it was shut down. "It was a fire hazard."

In 1981, the firehouse was the subject of a survey by D.C. environmental services. Of 25 violations the city inspectors discovered then, Jackson said only three—a clogged drain, an unreliable refrigerator and a leaky roof—have since been fixed.

$27,000 Expended on Fire Office Job

By Laura Fiorentino
THE WASHINGTON TIMES

District Fire Chief Theodore Coleman authorized spending at least $27,000 to remodel executive offices while at the same time he requested elimination of 200 firefighting positions to save money, according to department purchase orders.

The remodeling work was done by three firefighters who were taken off their beats to install paneling, crown molding and a chair rail, according to department spokesman, Rayfield Alfred.

The work was done shortly after the department moved its headquarters to the Grimke School building on Vermont Avenue NW last fall.

Information obtained under the Freedom of Information Act showed that the department spent a total of $27,047.44 on furniture — including a $3,459 storage cabinet, a $1,228 file cabinet, a $1,498 executive swivel chair, two sofa chairs worth $1,040 each and a $1,144 sofa.

The money also went for remodeling the chief's office and personal lounge area as well as the two assistant chiefs' offices and a conference room during the fall of 1983, the orders show.

Labor costs for the three firefighters were unavailable.

The Grimke school building previously had been remodeled by the District government before the fire department moved into the offices at 1923 Vermont Ave. NW in late spring, union officials said. The old office furniture was moved to the Grimke building, a department spokesman said.

The department was recently scrutinized by City Council for proposing to cut 200 firefighting positions to save money while there has been a rash of fire fatalities in the city.

Many of the city's fire stations have been cited by city inspectors as needing extensive repairs and the work orders for Engine Company 20 date back to 1970, a department spokesman said.

Many of the firefighters and officials felt that in light of the budget problems, the department should not spend money on expensive furniture.

"We got a lot of new furniture," said Bill Mould, president of local 36 of the District firefighters' union. "It's rather elaborate. I just don't think it was necessary."

Chief Coleman was unavailable for comment. Battalion Chief Wilmer Heishman, head of the department's program, planning and management office, said he would not comment on the decision to purchase the furniture.

"The firefighters volunteered to do the remodeling," said one firefighter who was involved in the remodeling.

"It was done as a favor. While they were finishing up the job, they were asked to hurry up because overtime was at a priceless point.

"The department has not conducted their financial affairs with expertise," he said. "Had they been asked today to do the work, I'm sure their answer would not be the same."

THE
ISTRICT OF COLUMBIA

PURCHASE ORDER

If ... entire PURCHASE ORDER ... must appear on all packages, invoices and correspondence relating to this order.

TION (Check One)
(ORDE) 3-6 ENTER ☐ (ORDM) 3-6 MODIFY ☒ (ORDX) 3-6 CANCEL ☐

FUND 16-18: 100

DATE OF ORDER 20-25 MO DY YR: 4 18 83

D5 YEAR-END ADJ PER 30-33 YR MO

PURCHASE ORDER ID
AGENCY 7-8: FB
ORDER NO. 9-14: 3-20290

TIME DISCOUNT D5
TERMS GROUP CLASS

ORDER PLACED IN ACCORDANCE WITH ALL PROVISIONS OF ____________
CONTRACT NO. 39-48 INVITATION NO. QUOT. DATED

DELIVERY WITHIN ________ CALENDAR DAYS FROM DATE OF PURCHASE ORDER

TO VENDOR
ID: 52-64 TYPE NUMBER ADD. CODE
NAME: 4-33 Columbia Business Furniture, Inc.
35-64 814-16 King Street
ADDRESS: 4-33 Alexandria, Virginia 22314
35-59

DELIVER TO
D. C. Fire Department
Office of the Fire Chief
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

LINE NO. 4-7	AGY 9-10	RESP CTR PROJ/PHASE 12-15	MRU SUB-PROJ 17-18	OBJ 20-22	SUB-OBJ 24-25	REPTG CATG DIST 35-38	REPTG CATG AGY 40-43	02 JOB 45-49	ACTIVITY 4-7	REQUISITION ID TRANS CODE 9-12	REQUISITION ID AGY 13-14	REQUISITION ID REQ. NO. 15-20	REQUISITION ID REF LINE NO. 22-25	PART/FINAL IND. (check one) 27	94 ± 57	AMOUNT 59-71	¢
0001	FB	0104	58	702			APPR			REQE				P ☐ F ☐	+	$2245	00
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
														TOTAL AMOUNT 80, 52-64	+	$2245	00

EM NO.	ARTICLES OR SERVICE	QUANTITY ORDERED	UNIT	UNIT PRICE		
	Draperies-one lot to cover entire wall, hung from ceiling to just below window. Drapes will be drawn and lined. OFFICE OF THE FIRE CHIEF					
					TOTAL	

MAIL INVOICES TO
D. C. Fire Department
Property Section
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

AGENCY CERTIFICATION
I certify that the items herein have been charged to the correct accounting codes listed above. These accounting codes are under the jurisdiction of this agency.
BY R. B. [illegible] DATE 9-27-83

CERTIFICATE OF ACCEPTANCE INTO FMS
I certify that this document was accepted into FMS
DATE ACCEPTED ____________
BY ____________

CHECK IF THIS DOCUMENT IS CONTINUED. ☐

PAGE ____ OF ____

[redacted] OF THE
[redacted] DISTRICT OF COLUMBIA

PURCHASE ORDER

must appear on all packages, invoices and correspondence relating to this order.

TRANSACTION CODE (Check One) (ORDE) 3-6 ENTER ☑ (ORDM) 3-6 MODIFY ☐ (ORDX) 3-6 CANCEL ☐	FUND 16-18 100	DATE OF ORDER 20-25 MO DY YR 4 18 83	D5 YEAR-END ADJ PER 30-33 YR MO	PURCHASE ORDER ID AGENCY 7-8: FB ORDER NO. 9-14: 3-20290
TIME DISCOUNT D5 TERMS: NET GROUP: 72 CLASS: 30	ORDER PLACED IN ACCORDANCE WITH ALL PROVISIONS OF ______ CONTRACT NO. 36-45 INVITATION NO.		QUOT. DATED	DELIVERY WITHIN ______ CALENDAR DAYS FROM DATE OF PURCHASE ORDER.

TO VENDOR

ID: 52-64 TYPE ☐ NUMBER ☐☐☐☐☐☐☐☐☐☐☐ ADD. CODE ☐☐

NAME: 4-33 Columbia Business Furniture, Inc.

35-64

ADDRESS: 4-33 814 King Street

35-59 Alexandria, Va., 22314

DELIVER TO

D. C. Fire Department
Grimke School - Vermont & T St., N.W.
Washington, D.C.

LINE NO. 4-7	AGY 8-10	RESP CTR / PROJ/PHASE 12-15	MRU / SUB-PROJ 17-18	OBJ 20-22	SUB-OBJ 24-25	REPTG CATG DIST 35-38	REPTG CATG AGY 40-43	C2 JOB 45-49	ACTIVITY 4-7	REQUISITION ID TRANS CODE 9-12	AGY 13-14	REQ. NO. 15-20	REF LINE NO. 22-25	PART/FINAL IND. (check one) 27	84 ± 57	AMOUNT 59-71	¢
01	FB	0104	58	702			APPR			REQE				P ☐ F ☐		1844	88
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
														TOTAL AMOUNT 50, 52-64		1844	88

ITEM NO.	ARTICLES OR SERVICE	QUANTITY ORDERED	UNIT	UNIT PRICE		
01	Draperies - 100% Nylon Element #5 sage (59 yds) lined to include construction, draw rods, and hanging For the OPC			1844.88		
				TOTAL		

MAIL INVOICES TO

D. C. Fire Department
Property Section
300 McMillan Dr., N.W.
Washington, D.C., 20001

AGENCY CERTIFICATION

I certify that the items herein have been charged to the correct accounting codes listed above. These accounting codes are under the jurisdiction of this agency.

BY: ______ DATE 4/18/83

CERTIFICATE OF ACCEPTANCE INTO FMS

I certify that this document was accepted into FMS

DATE ACCEPTED ______

BY: ______

CHECK IF THIS DOCUMENT IS CONTINUED ☐

PAGE ______ OF ______

.STRICT OF COLUMBIA

PURCHASE ORDER

Must appear on all packages, invoices and correspondence relating to this order.

ION (Check One) (ORDE) 3-6 ENTER ☐ (ORDM) 3-6 MODIFY ☒ (ORDX) 3-6 CANCEL ☐	FUND 16-18 100	DATE OF ORDER 20-25 MO 4 DY 18 YR 83	D5 YEAR-END ADJ PER 30-33 YR MO	PURCHASE ORDER ID AGENCY 7-8 FB	ORDER NO. 9-14 3-20290

TIME DISCOUNT D5

TERMS	GROUP	CLASS

ORDER PLACED IN ACCORDANCE WITH ALL PROVISIONS OF ____________
CONTRACT NO. / INVITATION NO 36-48 QUOT. DATED

DELIVERY WITHIN ________ CALENDAR DAYS FROM DATE OF PURCHASE ORDER.

VENDOR
ID: 53-64 TYPE ☐☐ NUMBER ☐☐☐☐☐☐☐☐☐ ADD. CODE ☐☐
NAME: 4-33 Columbia Business Furniture, Inc.
34-64 814 King Street
ADDRESS: 4-33 Alexandria, Virginia 22314
35-59

DELIVER TO
D. C. Fire Department
Office of the Fire Chief, 2nd Fl
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

LINE NO. 4-7	AGY 9-10	RESP CTR / PROJ/PHASE 13-15	MRU / SUB-PROJ 17-18	OBJ 20-22	SUB-OBJ 24-25	REPTG CATG DIST 33-38	REPTG CATG AGY 40-43	02 JOB 45-49	ACTIVITY 4-7	REQUISITION ID TRANS CODE 9-12	REQUISITION ID AGY 13-14	REQUISITION ID REQ. NO. 15-20	REQUISITION ID REF LINE NO. 22-25	PART/FINAL IND. (check one) 27	04 ± 87	AMOUNT 59-71	¢
0001	FB	0104	58	702			APPR			REQE				P ☐ F ☐	+	$1942	45
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
										REQE				P ☐ F ☐			
														TOTAL AMOUNT 59, 53-64	+	$1942	45

TEM NO.	ARTICLES OR SERVICE	QUANTITY ORDERED	UNIT	UNIT PRICE		
	Draperies extended panel, lined #5 sage			$390.35		
	Measured and furnished for additionain Fire Chief lounge. Same as office			596.70		
	Furnish and installed as per sample for Fire Chief secreaary			955.40		
				TOTAL		

MAIL INVOICES TO
D. C. Fire Department
Property Section
XXXXXXXX
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

AGENCY CERTIFICATION
I certify that the items herein have been charged to the correct accounting codes listed above. These accounting codes are under the jurisdiction of this agency.
BY Rose E Boardley DATE 6-24-83

CERTIFICATE OF ACCEPTANCE INTO FMS
I certify that this document was accepted into FMS
DATE ACCEPTED [illegible]
BY ____________

CHECK IF THIS DOCUMENT IS CONTINUED ☐

PAGE ____ OF ____

OF THE
DISTRICT OF COLUMBIA

PURCHASE ORDER

This entire PURCHASE ORDER ID must appear on all packages, invoices and correspondence relating to this order.

TRANSACTION CODE (Check One) (ORDE) 3-6 ENTER ☑ (ORDM) 3-6 MODIFY ☐ (ORDX) 3-6 CANCEL ☐	FUND 16-18 100	DATE OF ORDER 20-25 MO DY YR 11 1 83	D5 YEAR-END ADJ PER 50-53 YR MO	PURCHASE ORDER ID AGENCY 7-8: FB ORDER NO. 9-14: 4-20110
TIME DISCOUNT D5 TERMS / GROUP / CLASS		ORDER PLACED IN ACCORDANCE WITH ALL PROVISIONS OF ______ CONTRACT NO. / INVITATION NO.	QUOT. / DATED	DELIVERY WITHIN ______ CALENDAR DAYS FROM DATE OF PURCHASE ORDER

TO VENDOR
ID: 32-64 TYPE / NUMBER / ADD. CODE
NAME: 4-33 The Office Furniture Mart
35-64 728 7th Stredt, N.W.
ADDRESS: 4-33 Washington, D. C. 20001
35-59

DELIVER TO
D. C. Fire Department
Assistant Fire Chief Services 2nd fl
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

LINE NO. 4-7	AGY 9-10	RESP CTR PROJ/PHASE 12-15	MRU SUB-PROJ 17-18	OBJ 20-22	SUB-OBJ 24-25	REPTG CATG DIST 35-38	REPTG CATG AGY 40-43	02 JOB 45-49	ACTIVITY 4-7	REQUISITION ID TRANS CODE 9-12	AGY 13-14	REQ. NO. 15-20	REF LINE NO. 22-23	PART/FINAL IND. (check one) 27	04 ± 57	AMOUNT 59-71 $
0001	FSD104	71		701			APPR			REQE				P ☐ F ☐		$1123 00
										REQE				P ☐ F ☐		
										REQE				P ☐ F ☐		
										REQE				P ☐ F ☐		

TOTAL AMOUNT 50, 52-64 $1123 00

M NO.	ARTICLES OR SERVICE	QUANTITY ORDERED	UNIT	UNIT PRICE		
	CHAIR #91st - laced/highback/swivel tilt 43h x 30w x 32d swivel base D Color--Contemporary Bronze	1	ea	$1123.00	-Kilby	
					TOTAL	

MAIL INVOICES TO
D. C. Fire Department
Property Section
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

AGENCY CERTIFICATION
I certify that the items herein have been charged to the correct accounting codes listed above. These accounting codes are under the jurisdiction of this agency.
BY ______ DATE 11-1-83

CERTIFICATE OF ACCEPTANCE INTO FMS
I certify that this document was accepted into FMS
DATE ACCEPTED ______
BY ______

CHECK IF THIS DOCUMENT IS CONTINUED ☐

PAGE ___ OF ___

[redacted] OF THE
[redacted] DISTRICT OF COLUMBIA

PURCHASE ORDER

Must appear on all packages, invoices and correspondence relating to this order.

TRANSACTION CODE (Check One) (ORDE) 3-6 ENTER ☒ (ORDM) 3-6 MODIFY ☐ (ORDX) 3-6 CANCEL ☐	FUND 16-18 100	DATE OF ORDER 20-25 MO DY YR 10 26 83	D5 YEAR-END ADJ PER 30-33 YR MO	PURCHASE ORDER ID AGENCY 7-8 FB	ORDER NO. 9-14 4-20082

TIME DISCOUNT D5			ORDER PLACED IN ACCORDANCE WITH ALL PROVISIONS OF ______ CONTRACT NO. 35-48 INVITATION NO. QUOT. DATED	DELIVERY WITHIN ______ CALENDAR DAYS FROM DATE OF PURCHASE ORDER
TERMS	GROUP	CLASS		

VENDOR

ID 33-64 TYPE ⊔⊔ NUMBER ⊔⊔⊔⊔⊔⊔⊔⊔⊔ ADD. CODE ⊔⊔

NAME: 4-33 Fry Plumbing & Heating Corp.
33-64 Rear 327 L Street, N.E.
ADDRESS 4-33 Washington, D. C. 20002
33-59

DELIVER TO

D. C. Fire Department
Fire Chief's Office
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

LINE NO. 4-7	AGY 8-10	RESP CTR / PROJ/ PHASE 12-15	MRU / SUB-PROJ 17-18	OBJ 20-23	SUB-OBJ 24-25	REPTG CATG DIST 36-38	REPTG CATG AGY 40-43	02 JOB 45-49	ACTIVITY 4-7	REQUISITION ID TRANS CODE 9-12	REQUISITION ID AGY 13-14	REQUISITION ID REQ. NO. 15-20	REQUISITION ID REF LINE NO. 22-28	PART/ FINAL IND. (check one) 37	04 = 57	AMOUNT 59-71
0001	FB	0104	44	406			APPR			REQE				P ☐ F ☐		$2406.00
										REQE				P ☐ F ☐		
										REQE				P ☐ F ☐		
										REQE				P ☐ F ☐		
														TOTAL AMOUNT 30, 33-64		$2406.00

ITEM NO	ARTICLES OR SERVICE	QUANTITY ORDERED	UNIT	UNIT PRICE		
	Furnish and install:					
	1 - wall cabinet					
	1 - medicine cabinet					
	1 - vanity with trim					
	1 - toilet seat					
					TOTAL	

MAIL INVOICES TO

D. C. Fire Department
Property Section
1923 Vermont Avenue, N.W.
Washington, D. C. 20001

AGENCY CERTIFICATION

I certify that the items herein have been charged to the correct accounting codes listed above. These accounting codes are under the jurisdiction of this agency.

BY ______ DATE 10-26-83

CERTIFICATE OF ACCEPTANCE INTO FMS

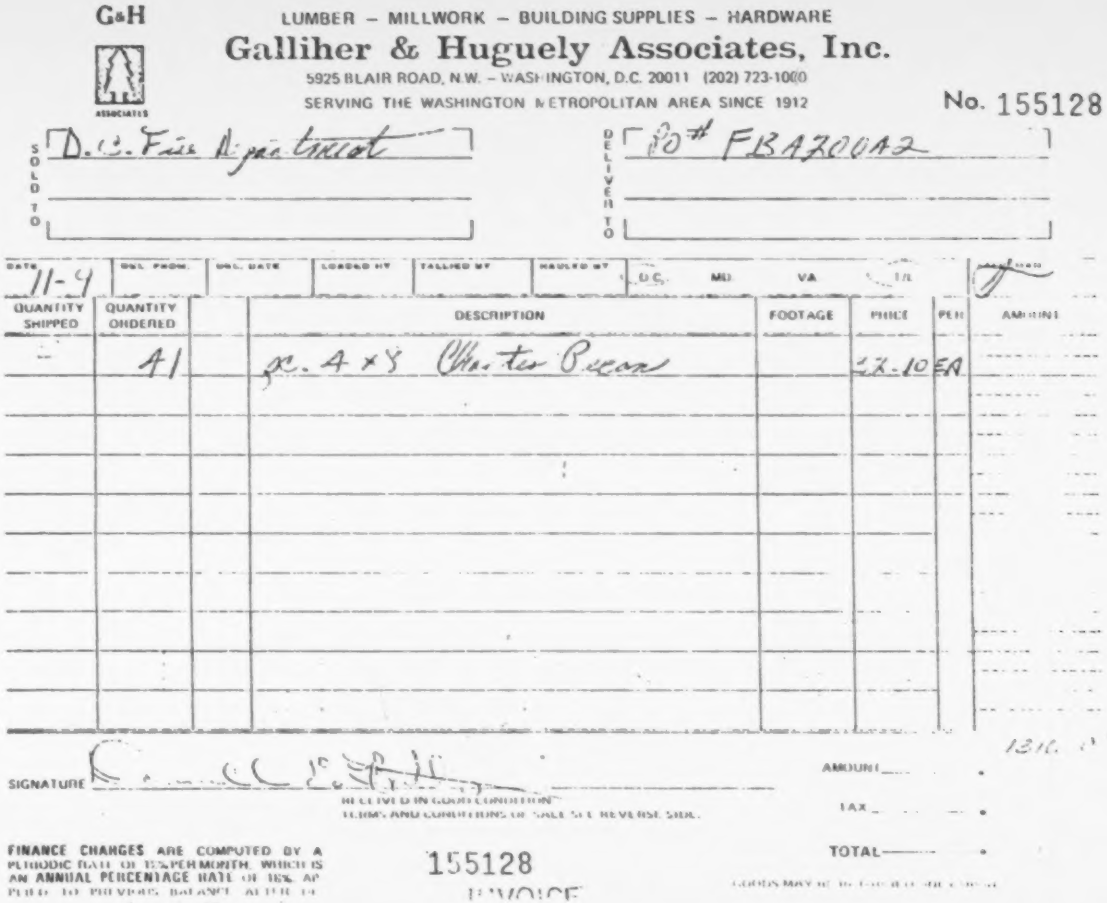
I certify that this document was accepted into FMS.

DATE ACCEPTED ______

BY ______

CHECK IF THIS DOCUMENT IS CONTINUED ☐

PAGE ____ OF ____



G&H

LUMBER – MILLWORK – BUILDING SUPPLIES – HARDWARE

Galliher & Huguely Associates, Inc.

5925 BLAIR ROAD, N.W. – WASHINGTON, D.C. 20011 (202) 723-1000

SERVING THE WASHINGTON METROPOLITAN AREA SINCE 1912

No. 155128

SOLD TO D.C. Fire Department

DELIVER TO PO# FBA200A2

DATE	DEL. FROM	DEL. DATE	LOADED BY	TALLIED BY	HAULED BY	D.C.	MD	VA
11-9								

QUANTITY SHIPPED	QUANTITY ORDERED		DESCRIPTION	FOOTAGE	PRICE	PER	AMOUNT
–	41		pc. 4×8 Charter Beam		32.10	EA	

1316.

SIGNATURE

RECEIVED IN GOOD CONDITION
TERMS AND CONDITIONS OF SALE SEE REVERSE SIDE.

AMOUNT

TAX

TOTAL

FINANCE CHARGES ARE COMPUTED BY A PERIODIC RATE OF 1½% PER MONTH, WHICH IS AN ANNUAL PERCENTAGE RATE OF 18% APPLIED TO PREVIOUS BALANCE AFTER

155128

INVOICE

GOODS MAY NOT BE RETURNED

Appearances—And Reality

[From the Washington Times]

High D.C. officials shouldn't have to conduct their business in pigstys or their bureaucratic equivalents, but District Fire Chief Theodore Coleman begged such a porcine comparison by authorizing $27,000 to remodel executives' offices while suggesting the elimination of 200 firefighting positions to save money.

Here's how the gang out on the ladder views some of these expenditures: For a storage cabinet, $3,459 — must be big enough to house a fire truck. A file cabinet, $1,228 — must need it to hold all the termination paperwork. For two chairs, $1040 each; a sofa for $1,144; an *executive swivel chair*, $1,498! Who knows how to make a Molotov cocktail?

Money also went for remodeling the chief's office and "personal lounge area"; ditto for the two assistant chiefs' offices and a conference room. Labor costs weren't included in the $27,000 — the work was done by three firemen taken off their beats, but who reportedly "volunteered."

"The department has not conducted its financial affairs with expertise," says a spokesman with a knack for understatement, who adds that the same mistake probably wouldn't be made again. Would that Chief Coleman had his spokesman's survival instinct.

With 200 soon-to-be unemployed firefighters awaiting the day their ribs start rubbing holes in their shirts, visions of department brass lounging about on overstuffed — and overpriced — divans are too much. We trust the next District manager in search of brighter surroundings will settle for a fresh coat of paint and new upholstery on the sofa.

MEMORANDUM FROM WILLIAM L. MULLIKEN, DEPUTY FIRE CHIEF

Department, Agency, Office: Fire
EAD

TO: T.R. Coleman
Fire Chief

FROM: William L. Mullikin WM
Deputy Fire Chief

Date: April 23, 1984

SUBJECT: Initial Evaluation of Critical Deficiencies relative to the Delivery of Emergency Medical Services to the Public

In evaluating the delivery of emergency medical services to the public by this Division I feel there are several areas of concern which are in need of immediate attention due to their critical nature.

The items listed here are the most important items which should be addressed as soon as possible in order to maintain an acceptable level of efficiency and patient care.

1. Organization of the Division - At present the organizational structure of the Division is fragmentated and does not reflect proper administration or management. Recommend the following organizational structure be adopted (Figure 1). This is in keeping with the administrative structure of the Fire Department and other established EMS systems throughout the country.

2. Medical Supplies - At present there seems to be a great deal of confusion surrounding the purchase and disbursement of medical supplies for operational units. In investigating the claim of shortages of several items it is reported that funds are not available to meet the demands of the service.

Under category 0104-23 (ambulance and first aid supplies), $110,002 was allocated for the present fiscal year with $40,000 being reprogrammed into administrative reserve. $10,000 of this administrative reserve was returned to the supply category just last week. As of March 31, 1984 $77,386 has been obligated ($11,055 per month), leaving a deficit of $7,386. This leaves $2,614 for the remaining five months of this fiscal year for medical supplies. As of this date the following items are out of stock and are needed by operational units:

Elastic bandage 3"	ordered 2-2-84
Suction catheter	ordered 3-26-84
LPH germicidal detergent	ordered 3-26-84
Non sterile gauze 4 x 4"	ordered 2-9-84
Tape, dermicel 1", 2", & 3"	ordered 2-9-84
Nasal cannulas	ordered 2-9-84
Ammonia Inhalants	ordered 2-9-84

The supply of Narcan, a heavy use drug item, will be depleted in another week. This item will be needed in increasing amounts during the summer months for treatment of overdose patients.

Based on the implementation of new protocols, a recommendation was submitted on February 7, 1984 for the purchase of the drugs Bratylium and Glugagon, and for a new cervical collar, the Stif-neck by Jobst. These items are unavailable at this time due to lack of funds.

Approval has been given for the use of MAST trousers (anti-shock trousers) by all basic units. There is no funding for these items.

From the above information it can be seen that this EMS system is in dire need of additional funding for supplies.

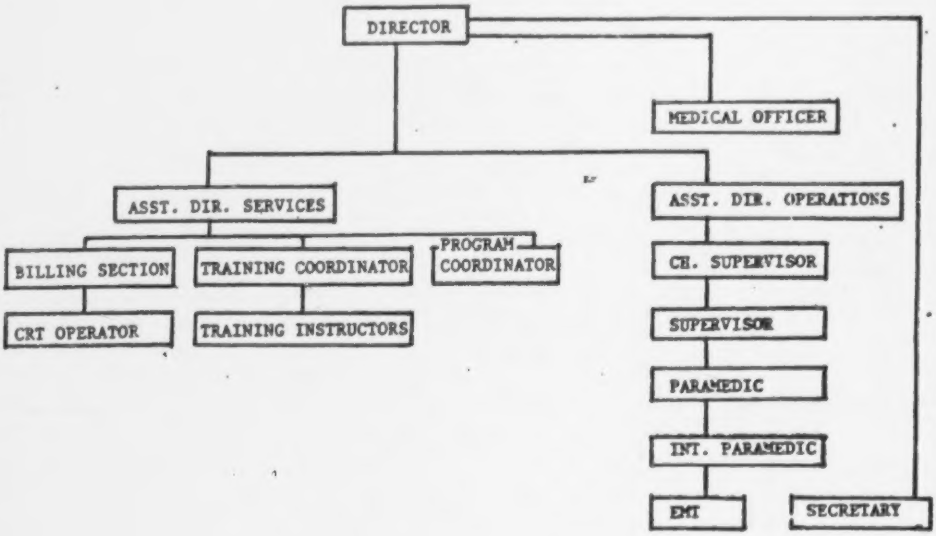
3. First Responder Program - At present there is a critical need to provide adequate medical care for victims in the life threatening category prior to the arrival of BLS and ALS units. The number of certified EMTs within the Fire Fighting Division at this time does not provide each engine company or rescue squad with enough EMTs to insure that one will be available when a fire company is sent as a first responder unit. Routinely units are dispatched on Medical Locals without an EMT on board.

To correct this situation it is recommended that all operational fire personnel be required to complete the First Responder Program. This level of care would be in addition to the present level of EMT certification which should be maintained.

Mr. Danny R. Mott, the Training Coordinator has submitted a request to implement this program on three separate occasions over the past three years.

By addressing these concerns at this time we will demonstrate our commitment to effective management and operational efficiency.

Organizational Chart, Emergency Ambulance Division


DIRECTOR
MEDICAL OFFICER
ASST. DIR. SERVICES
ASST. DIR. OPERATIONS
BILLING SECTION
TRAINING COORDINATOR
PROGRAM COORDINATOR
CRT OPERATOR
TRAINING INSTRUCTORS
CH. SUPERVISOR
SUPERVISOR
PARAMEDIC
INT. PARAMEDIC
EMT
SECRETARY

WHAT HAPPENS WHEN YOU CALL FOR AN AMBULANCE

[From the Washingtonian]

It's all small talk inside the fire station at 1520 C Street, Southeast, with hardly a hint of the drama of a few hours ago. Paramedic Gwen Wickline had been pumping frantically on a stabbing victim's chest, searching in vain, with partner Steve Scelzo, for a sign of life. Now the medics are chatting with the firefighters, nibbling on homemade cookies—just like office workers on a break.

Suddenly a call blares over the radio speaker: another stabbing in Southeast. Wickline and Scelzo climb into Medic 9, unsure of what lies ahead. It could be anything from a cut hand to a chest wound, a false alarm to a death.

Ideally, it happens like this: You call 911 to report a serious accident, an assault, or a heart attack, and dispatchers quickly locate the closest medic unit and send it to the scene. Highly trained paramedics arrive in four to five minutes, stabilize the patient, and whisk him off to the hospital, chalking up one more life saved.

But often it doesn't work that way. To begin with, the people with the most skills and training—the paramedics—are often the last to arrive. Paramedics are a relatively recent addition to emergency medicine; they are qualified to provide critical on-the-scene treatment—administering drugs, inserting IVs, taking EKGs, and shocking a heart into beating. But there's no guarantee that paramedics will be able to respond when they're needed. They ride only in the square DC Fire Department vehicles known as medic units, and there are only four in the District. "Obviously," says Dr. Victoria Countee, medical director of the District's Emergency Ambulance Service, "with only four medic units, there will be times when a medic unit isn't available."

When that happens, one of the Fire Department's thirteen other ambulances—the second choice on serious calls—takes over. They aren't as well equipped as medic units, and they're staffed by emergency medical technicians rather than paramedics. EMTs, as they are called, can do basic things to help a patient, such as perform CPR or bandage wounds. But on life-threatening calls, they usually either do what they can until the paramedics get there or perform what's called "swooping and scooping," which means simply picking up a patient and rushing to the hospital, —just as they did in the old days.

When both the medic unit and the ambulance are delayed, basic treatment is provided by firefighters who arrive in fire trucks. Trucks actually are sent to the scene of all serious emergency problems because they can respond quickly—there are 32 engine companies throughout the District. The problem is that once the fire truck gets there, the firefighters often can't do much for the patient. Even firefighters with EMT training don't always get enough practice to keep up with their skills. On one recent call, a firefighter needed coaching to perform CPR.

So in the District, there's no way of knowing whether the first person to treat you in an emergency will be a well-trained paramedic or a firefighter. It depends on what's available and how far you are from a medic unit. And that's true in the suburbs, too. The metropolitan area is served by a patchwork of medic crews and firefighters, and in almost every jurisdiction, firefighters are used to cover emergencies if paramedics can't get there right away.

Your chances of surviving a heart attack or serious injury are much better if paramedics can get to you quickly. It takes longest in rural areas. The fastest response times are in Arlington County, Alexandria, and Fairfax County and sections of other counties where paramedics aren't required to cover large areas. Even in those places, however, there are times when medic units aren't able to respond when you need them.

Nor will you have much control over where an ambulance takes you in an emergency. All area jurisdictions require their crews to take patients in serious condition to the nearest trauma center or emergency room, no matter what family members request. One DC paramedic was suspended because she agreed to take a heart-attack victim to the Washington Hospital Center, bypassing DC General and Capitol Hill Hospital. The patient was stable and his wife had chosen the Center, but, according to fire-department officials, there could have been legal complications if the man had died.

In less serious cases, the medic crew might be willing to bypass the nearest hospital, but only if the trip won't take them out of action for too long. A crew picking up a patient in Rockville, for instance, probably won't agree to drive to George Washington University Hospital. A patient's destination depends first on his condition and second on the judgment of the ambulance crew.

The truth is that emergency medical operations in the metropolitan area are suffering from growing pains. The relatively recent addition of skilled paramedics who can provide sophisticated treatment at the scene has raised expectations that often can't be met.

And in few areas is that truer than in the District

Firefighters are crowded into the stairwell. There s no fire, they re giving oxygen to a man lying on the stairs when Medic 9 arrives. Police are everywhere, surveying the scene and keeping inquisitive neighbors out of the way. The victim is conscious aware of the blood oozing through a hole in his chest. Wickline and Scelzo rush up the stairs and the firefighters seem relieved they're anxious to hand off responsibility for this life to someone else About six minutes have passed since Medic 9 left the fire station

Usually, it takes longer. Last year, for instance, it took medic units an average of 8.9 minutes to answer a call; basic ambulances took slightly longer. In fact, the District has the third-slowest response time of the 30 largest cities in the country, according to Joan Mendelson, an operations analyst in the City Administrator's Office who is studying the Emergency Ambulance Division. It's an unsettling statistic, particularly when you realize that irreversible brain damage can begin six minutes after cardiac arrest.

But slow response is just one of the ambulance division's shortcomings. Among its others:

- Because calls are not adequately screened, emergency vehicles often are sent to treat minor ailments, which means that they are sometimes unavailable when they are really needed elsewhere. When a caller says someone is having trouble breathing, dispatchers don't ask enough questions to determine what that means. It might mean the person has asthma or maybe a bad cold; it might even mean a person is trying to finagle a ride to an appointment at a hospital clinic. "It's the policy of the department," says one disgruntled paramedic. "You want an ambulance, they send an ambulance. They don't care if it has paramedics on it or whether it's a regular, basic unit. If there's nothing else available, they'll send the paramedics. And if a serious emergency goes down while they're out handling a sick case, then that's too bad."
- Paramedics complain that they do not receive adequate supplies from the fire department's property division, and they often must take drugs and equipment from hospitals.
- A shortage of radio frequencies keeps EMTs and paramedics from communicating with dispatchers as often as 50 percent of the time. "All seventeen units have to come on one channel," says Countee, the ambulance service's medical director. That means two ambulances can't call in at once. The FCC says there are too few channels to give a second one to the District. Another paramedic complaint is that the med radios, which can send EKGs and messages directly from medic units to emergency rooms, don't always function properly.
- DC's ambulances and medic units don't have enough equipment to treat children properly. After treating one child in cardiac arrest, paramedics Bill Jones and Jeff Scheulen decided to supplement and better organize the pediatric equipment they had been given by the fire

department. They used their own money to buy a bag mask, which ventilates more effectively than mouth-to-mouth resuscitation, and a tackle box to put things in order. "Then we went to Children's, GW, and Georgetown," says Scheulen, "and got what we could." They "scrounge" small needles, catheters, and drugs from hospitals, but still could use some major pediatric equipment, says Scheulen, such as a traction splint, which can reduce pain and muscle spasms in severe leg fractures.

The District has one of the busiest emergency medical services in the country. It answered almost 86,000 calls in 1983. That averages out to about ten calls an hour. Another way of looking at it is that the fire department, according to DC operations analyst Joan Mendelson, answers 141 calls per 1,000 residents, or about one ambulance call for every seven residents. That's the third-highest ratio of the 30 cities Mendelson has surveyed, falling behind only Atlanta and St. Louis.

The problem is that many residents use ambulances habitually, sometimes simply to get a ride to the hospital. "We have a list of people who we know use the service very regularly," says Countee. (An ambulance ride costs $55, $70 on a medic unit if advanced life support is needed. But about only 40 percent of those fees are collected.) Habitual users could call a private ambulance service, but then they'd have to pay up front. Private services are used mainly for routine calls—taking an invalid to a doctor, for instance. While Huntemann Ambulance Service's vehicles have EMTs on board, John F. Huntemann Sr. advises calling 911 in an emergency. Sometimes, when Huntemann's EMTs are faced with a severe case, "they'll pick up the phone and dial 911."

All 911 calls go through the police department, where they are transferred to the appropriate police, fire, or ambulance dispatchers. But there are so many non-emergency calls, not to mention false alarms, and so many people call to report the same accident that someone with a real emergency may have to wait several minutes before a dispatcher answers his call. Once it's answered, more time may pass before an ambulance is actually sent. "Sometimes," says one dispatcher, "you may have to answer three calls in a row before you dispatch."

A bigger problem, however, is the apparent shortage of emergency vehicles. If you live in Georgetown, the closest basic ambulance is at Tenley Circle; the closest medic unit is at 22nd and M streets, Northwest. If you're on Capitol Hill, the closest medic unit is Medic 9, stationed at 15th and C streets, Southeast. "It's quite obvious, it seems to me, that we need more ambulances, and I think that has been obvious for some time," says Countee. "But I don't see that there's been any more money allocated for that."

But Mendelson points out that proportionately, the District has more ambulances than most large cities—one for every 37,500 people. Of the cities she has surveyed, only Nashville has a higher proportion.

So why is the District's response time so bad?

It comes back to misuse of the system. Ride one night aboard Ambulance 5 to see how serious that abuse can be.

Ambulance 5, medics like to say, is "the runningest ambulance in the country"—a dubious distinction bestowed by an emergency-medicine trade journal.

This particular night, Ambulance 5, stationed at 1300 New Jersey Avenue, Northwest, is a reserve vehicle because the regular ambulance has been in an accident. The vinyl on the bench is ripped in several places, and the rechargeable suction—a simple tool used to save someone choking on vomit or blood—doesn't work, in violation of a city regulation. "The superiors are aware of the condition," says Dennis Simpson, one of the crew's EMTs.

The first call—a possible fracture—comes at 6:05 PM. When the EMTs arrive, a man is soaking his swollen ankle in hot water. He doesn't seem to be in much pain and doesn't want to go to the hospital. The EMTs leave after making sure he uses ice instead of hot water. The next call, for an "injured man," turns out to be a drunk lying in a dusty lot.

EMTs Simpson and John Clemens hang around until the police cart him off to detox to dry out.

At 7:15, Ambulance 5 is called to an assault: A young man is lying on a car's hood, seemingly unconscious. A bystander says a member of the gang tending to him is his attacker. Fearing a spinal injury, the EMTs immobilize the victim's neck and place him on a backboard, his bare skin screeching along the car's hood. They take his pulse and blood pressure, insert an oxygen tube, and take him to George Washington University Hospital. On the way, the young man's chest heaves erratically, but Simpson isn't too worried: The patient has a gag reflex and normal pupils. In the emergency room, the patient stops breathing. "Cut the bullshit," snaps the doctor, suspecting he has an actor on his hands. The "victim" begins breathing again. All along, Simpson suspected the patient was feigning serious injury so his attackers would leave him alone. Apparently, the medic's instincts were right.

Just after 8 PM, Simpson and Clemens depart GW, leaving their last backboard there. The next call takes them all the way to Northeast. It's a man with a lump on his face and alcohol on his breath. They take him to Capitol Hill Hospital, then leave for Ford's Theater, where an actor is having trouble breathing. If Simpson and Clemens suspected he was having a heart attack, they might have requested a medic unit, if one was nearby. But they don't think it's a heart attack, so they take him to GW.

Next, Ambulance 5 heads to 12th Street, Northwest, to attend to a "sick" woman. "My leg hurts," she says, "and I'm anemic." They take her to Capitol Hill Hospital; they don't have the right to refuse to transport someone, even when they don't think the transport is necessary. The next call is for asthma; a man is uncomfortable, coughing up white sputum. The EMTs take him from his home to Capitol Hill Hospital for treatment.

Knowing that time between calls will be short, Ambulance 5, instead of returning to quarters, goes "trolling for trauma"—cruising the streets, looking for action. The ambulance is near Bryant Street and Georgia Avenue, Northwest, when the next call—for a sick person—takes it fifteen blocks into Northeast. A woman there says her back has hurt for a few days. "I think it's gas," she says. "I want to go to my doctor tomorrow." So the EMTs leave, waiting for their next call, which comes quickly—a seizure, morbidly known as the DC disco, at the Trailways station. The seizure is over when they arrive, and the man doesn't want to go to the hospital, so the crew crosses the street to deal with a drunk lying face-down outside the Greyhound station. He comes around with a whiff of smelling salts and stumbles away.

Next is a patient who says she has pain in the lower right side of her stomach. "How long have you had the pain?" asked one EMT. "Off and on for two or three years," she replies. She doesn't want to go to the hospital, so the EMTs leave after advising her to see a doctor if the pain persists. Shortly before 4 AM, Ambulance 5 is called to a possible heroin overdose behind the 1700 block of Massachusetts Avenue, Northwest. Two men in a car have been discovered by police. They aren't overdosing, just very high, with the slow pulse and pinpoint pupils characteristic of heroin users. The police want an ambulance there in case anything happens, so the EMTs hang around until the officers impound the car and let the two men walk in their trance down the alley.

In twelve hours, Ambulance 5 has made five transports, including two potentially serious calls, neither one life-threatening. And it's not an atypical shift.

The sad truth is that a lot of people no longer view ambulances as emergency vehicles; some, when calling 911, have actually referred to them as taxis. It's not a surprising development in a day when emergency rooms have replaced the family doctor for many people seeking basic treatment. But it places a tremendous burden on the District's emergency medical system, particularly in light of the fire department's policy to never refuse to send an ambulance if one is requested.

There's always a chance, say fire officials, that a caller has a serious problem but can't articulate it. Even drunks, for example, must be taken seriously—they can fall and strike their heads, have epileptic seizures, and choke on their vomit, points out Dr. Vincent Roux, head of the mayor's Emergency Medical Services Committee and medical director of Howard University Hospital.

But the result is that the use of emergency vehicles in the District often seems to be a model of inefficiency. Between January 1 and June 30 of last year, for instance, Medic 1 ran 3,020 calls, but in only 1,274 cases did it transport patients to a hospital, and in only 726 did its crew have to perform advanced life-support techniques. That, according to a report submitted by paramedics Jeff Scheulen and Jeff Goldstein, means that the highly trained personnel on Medic 1 were sent on life-saving calls only 24 percent of the time. And, says Dr. Countee, Medic 3's crew—stationed at 2425 Irving Street, Southeast—spent only 7 percent of its time on advanced life support.

What isn't clear is how often medic units are out responding to non-emergency calls when their crews are needed for an emergency elsewhere. While some dispatchers try to find out what kind of equipment to send on a call, there is no screening procedure for them to follow.

"We're not supposed to say, 'What do you mean, sick?' or 'Is he talking to you?'" says dispatcher Sharon Spurling. "They'll say, 'He's unconscious,' and you'll say, 'Is he talking to you?' and they'll say, 'Yeah, he's talking to me.'"

Fire officials, in an effort to develop an effective way of screening calls, have been looking at systems in other cities. In Salt Lake City, for instance, dispatchers read specific questions from cards; it also is illegal there to call an ambulance if there is no emergency. In New York, nurses determine—on questionable calls—whether an ambulance is needed at all. In some systems, dispatchers refuse to send an ambulance when they feel certain that one isn't needed, or they make non-emergency callers wait.

One way to cut down on non-emergency use of ambulances here, says Mendelson, is to explain to abusers how misuse of ambulances can jeopardize lives. Another is to publicize other options, such as city transportation services for the elderly. Or the fire department could give EMTs and paramedics the authority to refuse to take a person to the hospital once he's been examined at the scene.

Yet the question remains: How often do calls that don't sound serious turn out to be emergencies? And do those occasions outnumber the times when critically injured or ill people are left without the best and fastest care because ambulances are tied up on minor calls? To Joan Mendelson the answer is clear: "It's safer to move to a system in which units are dispatched by priority than to continue with the more traditional system of responding equally to all calls."

Wickline and Scelzo put two IV lines into the stabbing victim, bandage his wound, and move the man by stretcher to the medic unit waiting outside. Inside the vehicle, the paramedics remove the oxygen tube the firefighters placed in his nose and put a mask over his face instead. They attach electrodes to the bleeding man's chest and watch the green neon lines bump up and down. Unlike the last stabbing victim, this man has a fighting chance—the earlier patient's heart had stopped between the time the paramedics lifted him from the sidewalk and the time they placed him in the medic unit. Once again, they take off for DC General Hospital, the closest designated trauma center, watching his EKG draw a thin line on the paper that rolls out of the Life-Pak heart monitor.

That roll of paper was Medic 9's last. Ambulances and medic units would be in constant danger of running out of one thing or another if hospital officials didn't turn their heads to the pilfering of supplies by medics. "Every one of us has become a pretty good shoplifter," admits one paramedic.

STATEMENT OF JOHN P. DEVINE, FORMER ASSISTANT CHIEF, DISTRICT OF COLUMBIA FIRE DEPARTMENT

Would the citizens of the District of Columbia be better served if 295 work stations were established as the Fire Department's minimum on-duty manning for each fire fighting division shift?

The level of service of any fire department is determined ultimately by the department's experience, nature of the fire problem, recommendations of various fire service professional organizations and the citizens it serves.

The staffing level of 295 work stations is predicated on the over 100 years experience of the D.C. Fire Department and recommendations of various professional organizations, such as the Insurance Services Office, the National Fire Protection Association, the American Insurance Association and the United States Fire Administration.

When a fire or other emergency is reported, the community is primarily concerned with "how long will it be before the fire department arrives. The fire department is equally concerned, if not more so, in arriving at the scene with ample personnel and equipment to curtail loss of life and property with an efficient and safe operation.

Since 1975, there have been various attempts to reduce the service level of the D.C. Fire Department. All of these reductions have had disastrous results, ending with the public in outrage, the media asking why the reductions were made and the City ultimately finding enough money to reinstitute the former level of service.

The 295 work station level should be established as the minimum on-duty manning for each fire fighting division shift. This level will provide proper manning of the D.C. Fire Department's established fire fighting units and ensure that the D.C. Fire Department maintains its top rating and its excellent record of service to the people it serves.

It has been stated that this figure 295 meets or exceeds the staffing level of every other major fire department in the country. Would you agree?

A fire protection profile of 23 large major metropolitan areas prepared in April 1984 indicates that the Washington, D.C. Fire Department is ranked fifth in the number of fire fighters per thousand and is exceeded by Buffalo, Baltimore, Pittsburgh and Boston.

How long has the D.C. Fire Department been at this staffing level?

The staffing level of 5-man engine companies and 6-man truck companies was established prior to my entry into the D.C. Fire Department (1954). However, the 3-platoon, 48-hour work week was established in February 1963. This system established the need for a level of 295 work stations per shift.

How were these staffing levels developed? When were they developed?

The number and type of fire fighting units are predicated on formulas developed by professional organizations, such as the National Fire Protection Association and American Insurance Association and are generally based on response times and pumping capacity. The present number of fire companies has remained fairly constant since 1957 when Engine Company No. 32 was placed in service in the Southeast area of the City.

The staffing level is determined by the number of fire fighting units and the on-duty manning of those units. The present staffing level is as follows:

32 Engine Co's @ 5 FF = 160 FF

13 Truck Co's @ 6 FF = 78 FF

4 Truck Co's @ 5 FF = 20 FF

4 Rescue Squads @ 5 FF = 20 FF

1 Fire Boat @ 5 FF = 5 FF

1 Foam & Dry Chemical Truck @ 2 FF = 2 FF

8 Battalion Fire Chiefs	8
1 Deputy Fire Chief	1
1 Deputy Fire Chief, Aide	1
Total Work Stations	295

These levels have been in existence for as long as I can recall.

Can this level, 295, be justified?

In the *National Fire Protection Handbook*, Fifteenth Edition, Section 14, the methodology for determining public fire department manning is stipulated. The method, if population is used as a basis, is to provide 0.5 fire fighters, *on-duty*, for each 1,000 persons protected. The population of Washington, D.C. as listed in an April 1984 Census Report is 633,425. Using this formula, 633.4 x 0.5, results in a recommendation of 317 on-duty fire fighters to protect the given population. If the daytime population of Washington, D.C., 1,027,900, were to be used, the figure would be 514 on-duty fire fighters.

This level, as previously stated, is based on a 5-man engine company. Two other studies conducted in Seattle and in Dallas also strongly support this level of service.

Seattle's Service Level Model, Joe E. Cushman, Director of Finance and Accounts, Seattle Fire Department as published by NFPA in Fire Service Today, January 1982.

The model demonstrated that if a 5-man engine company takes 5 minutes to accomplish an objective, a 4-man engine company will take 8.47 minutes (5 ÷ .59) to accomplish the same objective. How important is 3.47 minutes when making a rescue or attacking a fire.

Dallas Study Conducted in 1969:

This independent study conducted by the Dallas, Texas Fire Department also had the same result. Using emperical methods, a task was given to four (4) different engine companies. The task

was accomplished by each company using 3, 4, 5 and 6 men. The times were then averaged. It demonstrated that it took a 5-man engine company 6 minutes and 15 seconds to accomplish the task (advancing two 1 1/2" hose lines to the third floor of a school building), whereas it took 10 minutes and 29 seconds to accomplish the same task with a 4-man company.

The factor (.59) arrived at in the Seattle Model is also demonstrated in the emperical method used in the Dallas Study.

The Seattle and the Dallas studies both demonstrated conclusively that increases in manpower per company (above 4), resulted in significant increases in manpower effectiveness.

The Dallas Study demonstrated conclusively the value of a five man company over a four man company when performing a specific fire task. Quote: Operation #1 - Four Man Team - All personnel nearing the point of exhaustion but could have contributed to the firefighting effort. Five Man Team - All men in good physical condition at the conclusion of Operation #1 with very little evidence of fatigue.

Establishment of 295 work stations as the minimum, on-duty manning level will maintain the present highly effective, efficient five man engine companies, the level recognized by professional organizations and empirical testing as the optimum level for fire service.

####################

Attachment: Fire Protection Profile of Major Metropolitan Areas.

FIRE PROTECTION PROFILE OF MAJOR METROPOLITAN AREAS

CITY	POPULATION	UNIFORMED FIRE FIGHTERS	FIRE FIGHTERS PER 1000 POP.
L.A. COUNTY	2269087	2050	0.900
LOS ANGELES	3020000	2920	0.930
INDIANAPOLIS	707655	768	1.080
DETROIT	1140000	1294	1.140
JACKSONVILLE	556370	758	1.360
COLUMBUS	570388	862	1.510
PHILADELPHIA	1670000	2722	1.630
KANSAS CITY MO	445222	725	1.630
CLEVELAND	553869	927	1.650
ST.LOUIS	437354	756	1.720
MILWAUKEE	631509	1095	1.730
MEMPHIS	645760	1118	1.730
CHICAGO	3000000	5203	1.734
HOUSTON	1730000	3182	1.840
SEATTLE	490077	959	1.960
ATLANTA	428153	866	2.020
CINCINNATI	380118	769	2.020
SAN FRANCISCO	691637	1429	2.060
WASHINGTON,DC	633425	1340	2.120
BUFFALO	348035	759	2.180
BALTIMORE	774113	1951	2.520
PITTSBURGH	414936	1090	2.620
BOSTON	560847	1635	2.910

RANKED ACCORDING TO NUMBER OF FIRE FIGHTERS PER 1000 POPULATION.

FIRE PROTECTION PROFILE OF MAJOR METROPOLITAN AREAS

BASED ON AREA COVERAGE

CITY OR AREA	SQUARE MILES PROTECTED	NUMBER OF STATIONS	SQUARE MI PER STA.	SQUARE MI PER ENG.	SQUARE MI PER LAD.
SAN FRANCISCO	49	41	1.19	1.19	2.72
BUFFALO	42	31	1.35	1.62	3.23
BOSTON	46	34	1.35	1.59	2.19
PITTSBURGH	55	37	1.49	1.41	2.75
BALTIMORE	91	56	1.62	1.75	3.14
PHILADELPHIA	129	68	1.90	2.04	3.91
ST.LOUIS	62	30	2.07	2.07	3.87
WASHINGTON,DC	69	33	2.09	2.16	4.06
CHICAGO	228	102	2.24	2.19	3.80
INDIANAPOLIS	81	30	2.70	2.53	5.40
MILWAUKEE	96	35	2.74	2.67	4.80
CLEVELAND	77	28	2.75	2.75	5.13
CINCINNATI	76	27	2.81	2.81	5.95
SEATTLE	98	34	2.88	3.06	8.91
DETROIT	139	48	2.89	3.31	5.15
ATLANTA	136	34	4.00	4.53	7.16
LOS ANGELES	464	103	4.50	4.50	9.97
MEMPHIS	320	48	6.66	6.67	12.3
COLUMBUS	183	26	7.04	6.54	18.3
HOUSTON	555	74	7.51	7.51	17.4
KANSAS CITY MO	316	31	10.2	10.2	21.1
L.A. COUNTY	2190	129	17.0	15.6	115.
JACKSONVILLE	844	42	20.1	22.8	121.

ENTRIES RANKED ACCORDING TO SQUARE MILES PROTECTED PER FIRE STATION.

FIRE PROTECTION PROFILE OF MAJOR METROPOLITAN AREAS

CITY OR AREA	POPULATION	SQUARE MILES PROTECTED	POPULATION PER SQUARE MILE	FIRE FIGHTERS PER SQ.MILES
BUFFALO	348035	42	8286	4
BOSTON	560847	46	12192	5
SAN FRANCISCO	691637	49	14115	6
PITTSBURGH	414936	55	7544	3
ST.LOUIS	437354	62	7054	2
WASHINGTON,DC	633425	69	9180	4
CINCINNATI	380118	76	5001	2
CLEVELAND	558869	77	7258	2
INDIANAPOLIS	707655	81	8736	3
BALTIMORE	774113	91	8506	4
MILWAUKEE	631509	96	6578	3
SEATTLE	490077	98	5000	2
PHILADELPHIA	1670000	129	12945	4
ATLANTA	428153	136	3148	1
DETROIT	1140000	139	8201	2
COLUMBUS	570588	183	3117	1
CHICAGO	3000000	228	13157	3
KANSAS CITY MO	445222	316	1408	0
MEMPHIS	645760	320	2018	0
LOS ANGELES	3020000	464	6508	1
HOUSTON	1730000	556	3111	1
JACKSONVILLE	556370	844	659	0
L.A. COUNTY	2269087	2190	1036	0

AREAS RANKED ACCORDING TO SQUARE MILES PROTECTED

FIRE FIGHTERS PER SQUARE MILES EXPRESSED TO NEXT HIGHEST WHOLE NUMBER. "O" + INDICATES FRACTION LESS THAN 1.

AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES

STATEMENT OF WILLIAM B. WELSH, DIRECTOR OF LEGISLATION

Senator SPECTER. Our next witness is Mr. William Welsh, director of legislation of AFSCME.

Mr. Welsh, we appreciate your joining us today, and we look forward to your testimony.

Mr. WELSH. Mr. Chairman, I have an edited copy of my testimony that I will file with the committee, and I am director of legislation for the American Federation of State, County, and Municipal Employees, and I am also currently serving on Mayor Barry's ad hoc advisory committee on mental health reorganization.

MENTAL HEALTH ADMINISTRATION BUDGET

Last year, Mr. Chairman, after you and others struggled valiantly to work out the difficulties with regard to the District's Mental Health Administration's budget and the St. Elizabeths shortfall budget and put together your sort of temporary patchwork plan, many of us—since AFSCME represents nonprofessional employees at St. Elizabeths as well as some of the employees in the District's Mental Health Administration, including the American Psychological Association, the American Psychiatric Association, representatives of the Mental Health Law Project that brought the original Dixon case here in the District with regard to the rights of the patients at St. Elizabeths—got together in sort of a working group, saying we could not go through this kind of a crisis again. We needed to try to work on a solution to this perennial problem of what to do with St. Elizabeths and its relationship, key relationship, to the mental health and all of those complex problems for the District.

As a result of that work, we developed a piece of legislation that, interestingly enough, was introduced yesterday in the House of Representatives by Congressman Fauntroy, H.R. 5700, and what I wanted to address to you in a few minutes of my oral testimony this morning was a plea that this subcommittee use its good offices to proceed during this session of Congress to see if we cannot, in fact, find a legislative permanent solution to this problem.

The administration has now sent its bill to Congress. I believe Congressman McKinney introduced the administration's bill yesterday. The District bill to resolve this was introduced yesterday. There is a draft bill based upon the General Accounting Office's detailed report of this situation to the House District Committee, and it is the working group's belief that a solution to this lies in establishing a governmental corporation that would run both St. Elizabeths facility and the District Mental Health Administration. To achieve what everybody is in agreement that there should be a single administrative unit for accountability, responsibility for health care delivery in the District of Columbia.

Senator SPECTER. Can that not be accomplished under the existing structure?

NEED TO CHANGE EXISTING STRUCTURE

Mr. WELSH. No, sir, there is no way that that can be accomplished under the existing structure.

Senator SPECTER. Why not?

Mr. WELSH. Well, I think there are two very basic reasons. One, there is a very important continuing Federal role that must be operated at St. Elizabeths, and there is no way you can assign that Federal role, in terms of Federal patients, Federal forensic responsibilities and so on, research, training, other things that are carried on at St. Elizabeths Hospital, to the District of Columbia. In other words, you have to create, it seems to us, an entity along the lines that either the administration has proposed for a nonprofit corporation or for a government corporation as we propose.

Senator SPECTER. What are the advantages of the nonprofit corporation to the proposals made by the Government?

Mr. WELSH. Well, I think the corporation's advantages give you several important, major advantages over the present situation. There is no question in our minds that as you integrated these services, first you would be able to fulfill what the Federal court has said is the responsibility of both the Secretary of HHS and the Mayor, to in fact carry out the deinstitutionalization of patients that are presently in the hospital who should be put out into community facilities, and in carrying out that court order, which is a unique court order in the country as far as deinstitutionalization is concerned, the Judge said that in the District the two governments have a responsibility of establishing a good community mental health system as part of that solution.

That has not been done in most deinstitutionalization cases in the country. You have, in fact, had situations in most places, as you well know, where patients have been dumped out of State hospitals into center cities and have aggravated at an enormous extent the problem of the homeless. So the first thing is that you have an outstanding court order here in the District against both the Federal and District governments to achieve this transition.

We think a single corporate entity is the best way to do that.

The second point is that you have got to do all kinds of changes with regard to the personnel. There is no question that you could operate a system with less personnel, but if you leave it to the two governments to go through the ordinary RIF processes in terms of reducing personnel and shifting them, what you lose in that process is some of the very best talent that you want to keep as you are to integrate this system.

Now, whenever you change from a hospital-based care system to a community-based care system, there is need for retraining, redirection of those personnel, and if you do not have the flexibility in your personnel system to do that and to achieve that, you are going to have all kinds of damage done.

ADEQUACY OF FUNDING

Senator SPECTER. What are we talking about, Mr. Welsh, along the line of adequacy of funding as you see it, contrasted with the current dollar figure?

Mr. WELSH. Our proposal would go along the following lines. One, if the corporation can be put in place this year, then we should give it 1 or 2 years of stable funding at the fiscal year 1984 levels. Then in that bill you would set out which patients and programs were the responsibility of District or the Federal Government, and spell that out very clearly under a formula that we have attached. Over a period of 6 to 8 years you would have a shifting of Federal funding into District funding under a fair formula that everybody has basically agreed upon—that it is the District's responsibility to ultimately assume the full responsibility that could achieve this.

Therefore, we would like to see for fiscal year 1985 two things occur simultaneously: One, hold the line on the fiscal year 1984 funding, but in fact condition that on getting a legislative solution in place with a single administrative agency before this session is out. I would hope that you and others who have worked on this problem would use your good offices to, in fact, leverage that to the extent that you can.

Senator SPECTER. Well, Mr. Welsh, we will be considering it. Mayor Barry has requested a special meeting with the subcommittee on this overall problem, and we will do our best.

I want to say that I am sorry that we do not have more time to carry forward on the dialog on these hearings. After we had set this schedule up, the Foreign Operations Subcommittee scheduled Deputy Secretary of State Kenneth Dam to consider the request in Central America. One of the grave problems that we have in the Congress is that on this committee I am a member of five different subcommittees, to say nothing of the other committee assignments, et cetera. But I want everyone to know here that the full statements are reviewed very carefully by staff and by me personally, and I have a very keen interest in these problems, and we will do our very best.

Mr. WELSH. We are aware of the leadership that you have given to this, Mr. Chairman, and we hope that this rather unprecedented opportunity that has occurred with all parties now having their legislative proposals will not be lost when we go through this cycle in a new Congress, where we are back next year at the same time struggling with this same problem.

Thank you very much.

Senator SPECTER. We appreciate the thoughtfulness that the American Federation of State, County, and Municipal Employees has given to the problem, and your service on the Mayor's committee, as well, and we will do our best to cooperate.

[The statement of Mr. Welsh follows:]

STATEMENT OF WILLIAM B. WELSH

Mr. Chairman, I am William B. Welsh, Director of Legislation for the American Federation of State, County and Municipal Employees. I am currently serving on Mayor Barry's Ad Hoc Advisory Committee on Mental Health Reorganization.

AFSCME represents nationally over 100,000 mental health workers -- including all the support staff at St. Elizabeths Hospital and some employees of the District of Columbia's Mental Health Systems Administration.

For more than a decade, AFSCME has observed firsthand the inability of state after state and city after city to adequately cope with the problems of deinstitutionalized mental patients. Today most urban centers are plagued with the problem of the homeless, many of whom have a history of hospitalization for mental disorders.

Fortunately, for many patients and residents of the District of Columbia there oxists both an outstanding mental health facility at St. Elizabeths, and a vigorous community effort to protect the rights of patients. So far this has acted as a constraint on dumping of patients, and provides continuing pressures to achieve a balanced community mental health care system. Interestingly, a model for such a system in the District is already functioning at St. E's as the Area D Community Mental Health System, fully federally staffed and funded for the citizens living East of the Anacostia River.

Additionally, for more than a decade, the status of St. Elizabeths has been questioned. The year-to-year discussions and actions regarding the future of this reknowned facility are adversely impacting patient care and employee morale.

AFSCME, to address these mental health concerns, joined a working group of the American Psychiatric Association, the Association for the Advancement of Psychology, the Mental Health Law Project (counsel to the plaintiff class in Dixon vs. Heckler), and the Washington Psychiatric Society and initiated the drafting of a legislative proposal, the "National Capital Mental Health Services Corporation Act". All of these organizations support this proposal.

Before describing the proposal, allow me to address briefly two key historical notes which directly impact on why this legislation is necessary.

1. In April 1980, the United States District Court for the District of Columbia ordered (in Dixon vs. Heckler, 405 F. Supp. 975) the shift and transfer of the primary locus of psychiatric treatment from inpatient psychiatric hospital services at St. Elizabeths to a community setting and required creation of a comprehensive community-oriented service system for the District of Columbia.

In September 1982, the Mental Health Law Project, counsel for the plaintiffs, filed a Motion for Contempt of Court charging the District of Columbia for its unreasonable and continuing failure to comply with the Dixon Consent Order and Plan. Additionally, the plaintiffs moved the Court for an order appointing a Special Master to oversee the City's mental health system and be directly accountable to the Court. They argued that the District government was incapable of developing a mental health system capable of meeting the needs of the plaintiff class on its own. The contempt motion still stands.

The Third Annual Report to the Court of the Dixon Implementation Committee (covering July 1, 1982 - June 30, 1983),, indicated that plaintiffs continue negotiating with District and Federal officials, but that these initiatives remain at an early stage. Additionally, the Dixon Committee indicated that the Federal government's proposals to reduce St. Elizabeths' budget and transfer the hospital to the District's responsibility open a new scenario for the Dixon decree since, without rational planning, the Dixon mandate will be unequivocally endangered.

As you well know, Mr. Chairman, during consideration of the Fiscal Year 1984 Appropriation, a potential shortfall of

$25 million in St. Elizabeths' budget threatened the existence of programs and patient care at the facility. Subsequently, the Federal government agreed to certain administrative savings, the District government agreed to assume responsibility for the Alcohol and Drug Program, 150 patients who require nursing level care and 50 patients who require community residence care, and the D.C. Appropriation Conferees allowed a special $5.7 million Federal payment to cover the shortfall. A reduction-in-force then caused the layoff of many support staff at the Hospital.

The Fiscal Year 1985 budget proposes a further $19 million reduction in the St. Elizabeths budget. This time, however, a budget deficit will certainly result in layoffs of professional staff directly affecting patient care, and possible loss of hospital accreditation.

In reviewing the need for a rational plan for St. Elizabeths, our working group started with the knowledge that the problems facing St. Elizabeths Hospital and the delivery of mental health services in the District of Columbia have always been clouded by a lack of understanding of the roles and responsibilities of the District and Federal governments. St. Elizabeths is a unique facility because it provides not only the usual facilities and services of a state mental hospital but it is also a training and research facility for the Federal government. In addition, it has a special patient population that includes many who are federal responsibilities -- Federal court psychiatric forensic referrals and others provided by federal statute. There are also federal programs for specialized populations such as the mentally ill and deaf.

The National Capital Mental Health Services Act solves this problem by defining (programatically and financially) the District-Federal responsibilities. The proposal also best embodies the court order in Dixon vs. Heckler and has in fact, been endorsed by the Mental Health Law Project (counsel to the plaintiff class in the case). The court order is probably unique nationally, in that it goes into detail as to requiring a balanced program for a vast majority of the adult population needing these services. For this reason, if for no other, it is imperative there be a continuing Federal financial and service role at least until we have a system that meets the court standards.

Additionally, with the continued development of quality community-based mental health resources, our nation has yet to adequately study and evaluate in a comprehensive way the unique problems of providing quality care in a highly urban setting. This bill deals directly with the inability of our cities to deal effectively and humanely with the deinstitutionalized homeless (in the District, it has been estimated that 70 to 90 percent of the homeless women and 15 to 50 percent of the homeless men suffer from mental illness) and the crucial drug related mental health crisis which accounts for about 50 percent of the admissions at Area D (Anacostia) and about 70 percent of the admissions at D.C.'s North Community Mental Health Center.

The bill establishes a government corporation to be known as the National Capital Mental Health Services Corporation. The Corporation will unify in one administrative unit all services presently provided by the D.C. Mental Health Services Administration and St. Elizabeths Hospital.

The Corporation will be governed by an eleven member Board of Governors -- 4 appointed by the President, 4 by the Mayor and 3 exofficio members (the Chief Executive Officer of the Corporation, the Director of the District of Columbia Department of Health Services). They will serve six-year staggered terms. There would also be established an Advisory Board on Community and Labor Relations.

A corporate structure is necessary to solve the policy and administrative problems working through two complex personnel and management systems. The bill protects the rights and benefits of current employees -- all of whom will become Corporation employees. The Corporation will set up its own personnel system whereby the quality staff that exists today will not be decimated by annual RIFs and uncertainties. Training and re-training will be provided to former hospital employees as more clients (and therefore jobs) move into community settings.

The bill supports the District of Columbia in its efforts for home rule. In both the fifth and eight year after establishment of the Corporation, the City has the option of taking over either the entire system or that part of the system that primarily serves District residents.

There is a prospective payment mechanism. After payment by individuals or third party payment, the District assumes payment for its residents and the Federal government pays for its patients. At present, the Federal government has maintained that it is paying an excess share. The federal commitment for this slack would decline drastically over seven years.

It contemplates a per diem cost per patient both for in-patient and outpatient treatments. This would give the District, the Congress and the Corporation a clear way to measure the cost effectiveness of services. Additionally, a single administrative accountability for costs and program should eliminate both legal constraints and cost disincentives for over-institutionalized care, while protecting against unwarranted dumping of patients into inadequate community facilities and treatment. The bill sets forth, for the first time, all the varied populations and programs St. Elizabeths services and delineates who pays and who is responsible for which programs and patients.

Additionally, the bill addresses the issue of forensic care, a small but important component of the mental health system. St. Elizabeths currently provides Federal and District of Columbia court system forensic psychiatric referral, and evaluation and patient treatment services for prisoners and persons awaiting trial or requiring post-trial or post-sentence psychiatric evaluation. By including forensic psychiatric services we provide for quality care, hopefully ending a patchwork system that badly needs more resources and attention. The District will pay the Corporation for patients under order of a D.C. Court and the Attorney General will pay the Corporation for services provided under order of a federal court in a criminal or involuntary commitment proceeding.

Attached to our testimony is a copy of the draft bill proposing a National Capitol Mental Health Services Corporation Act, a detailed summary of the bill's provisions, and a chart outlining the funding system, schedule and formula.

The Administration, for the first time, has submitted a proposal to the Congress. The District has outlined its proposal. The House District Committee has a GAO report providing comprehensive data and answering some of its questions. And now, you also have a draft proposal prepared by AFSCME, the American Psychiatric Association, the Association for the Advancement of Psychology, and the Washington Psychiatric Society. It is endorsed by the Mental Health Law Project as counsel to the plaintiffs in the Dixon case.

You, Mr. Chairman, and Members of the Subcommittee are in a unique position to encourage, yes insist that there be a fair and reasonable legislative solution worked out this year. If this issue is not acted upon conclusively in the 98th Congress, the Hospital will further deteriorate and it will be impossible to recoup the quality care and services that now exist.

To that end, we further urge the Subcommittee to hold the Fiscal Year 1985 appropriation level for the programs at St. Elizabeths at the Fiscal Year 1984 levels, and concurrently to work with all parties so that legislation can be enacted in this session of the Congress that will provide a solution to this perennial issue.

We would welcome any opportunity to work with you. Thank you for this opportunity to appear today.

SUMMARY OF PROPOSED NATIONAL CAPITAL MENTAL HEALTH SERVICES CORPORATION ACT

Section 1 would assign the draft bill the short title "National Capital Mental Health Services Corporation Act".

Section 2 would establish Congressional findings that:

- governmentally administered mental health services in the District of Columbia are currently fragmented and provided through two separate public entities, the federally administered Saint Elizabeths Hospital and the Mental Health Services Administration of the District of Columbia Department of Human Services,

- the District of Columbia government has the continuing responsibility to provide mental health services to residents of the District of Columbia, and the Federal government has the continuing responsibility both to assist the District of Columbia in that regard and to support vital, high quality mental health research, training and demonstration programs and facilities at Saint Elizabeths Hospital and elsewhere in the District of Columbia,

- since its establishment by Congress in 1855, Saint Elizabeths Hospital has developed into a respected national mental health hospital and study, training and treatment center, providing a range of quality mental health and related services, which include:

  (i) acute and chronic inpatient psychiatric care;

  (ii) outpatient psychiatric and substance abuse clinical and related services;

  (iii) Federal court system forensic psychiatry referral, evaluation and patient treatment services for prisoners, and for persons awaiting trial or requiring post-trial or post-sentence psychiatric evaluation;

  (iv) patient care and related services for designated classes of persons entitled to mental health benefits under Federal law, such as certain members and employees of the U. S. Armed Forces and the Foreign Service, and residents of American overseas dependencies;

  (v) District of Columbia court system forensic psychiatry referral, evaluation and patient treatment services for prisoners and for persons awaiting trial or requiring post-trial or post-sentence psychiatric evaluation;

  (vi) programs for special populations such as the mentally ill deaf;

  (vii) support for basic and applied clinical psychiatric research and related patient services conducted by the National Institute of Mental Health and other institutions; and

  (viii) professional and paraprofessional training in the major mental health disciplines.

- continuation of the range of services currently provided by federally administered Saint Elizabeths Hospital must be assured, as these services are integrally related to:

(i) the availability of adequate mental health services to District of Columbia residents, nonresidents who require mental health services while in the District of Columbia, persons entitled to mental health services under Federal law, and persons referred by both Federal and local court systems; and

(ii) the Nation's capacity to increase our knowledge and understanding about mental illness and to facilitate and continue the development and broad availability of sound, modern methods and approaches for the treatment of mental illness.

- reflecting the national policy trend since the 1960's toward community mental health services as the preferred alternative to institutional care, both federally administered Saint Elizabeths Hospital and the District of Columbia have placed the highest priority on developing appropriate community-based residential and other treatment opportunities for institutionalized mentally ill patients and other mentally ill individuals, and this approach has been constructive in the diagnosis, treatment, and prevention of mental illness, and must be further strengthened,
- the continued development of quality community-based mental health resources and alternatives to institutionalization, especially in large urban population centers, such as the Washington, D. C., metropolitan area, has resulted in major needs for the productive, meaningful retraining of hospital-based mental health workers in the provision of care in nonhospital community settings, and for the development, demonstration, and evaluation of promising treatment and administrative approaches for urban community-based mental health systems across the country, and
- the establishment of an independent public, non-profit corporation which unifies the mental health and related services currently associated with Saint Elizabeths Hospital and the Mental Health Services Administration of the District of Columbia Department of Human Services, as described above, can and will materially improve the efficiency and effectiveness of the delivery of these much-needed services, provide a better method to assist the Federal government and the District of Columbia in carrying out their respective continuing responsibilities for the provision of those services, and further the development of sound community-based mental health systems in the Washington, D. C., metropolitan area.

Section 3 would establish in the District of Columbia a body corporate known as the National Capital Mental Health ~~Services~~ Corporation. The Corporation would be nonprofit, an independent instrumentality of the United States and a wholly owned government corporation for purposes of the Government Corporation Control Act (31 U.S.C. 9101 et seq.). The purposes of the Corporation would be:

- to provide mental health and related services to those classes or categories of individuals eligible to be served by Saint Elizabeths Hospital on December 23, 1975, and to others as the Corporation may decide,
- to implement fully the Federal court consent decree in Dixon v. Heckler, 405 F.Supp.975 (DDC 1975) which directs the emphasis of psychiatric care from inpatient care to a comprehensive community-based system,
- to provide facilities and resources for the conduct of research, and

- to provide facilities and resources to promote the development of sound models for urban community-based mental health systems.

Section 4 would provide for an eleven-member Board of Governors. The President, after consultation with the Secretary of Health and Human Services, would appoint four members of the Board. The Mayor of the District of Columbia would appoint four members of the Board who would be residents of the District of Columbia. The Chief Executive Officer of the Corporation, the Director of the National Institute of Mental Health, and the Director of the District of Columbia Department of Human Services would be ex officio voting Board members. The appointed members would serve six-year staggered terms. No member could be appointed to a third consecutive regular term. The Chairman would be appointed from the members of the Board to serve a two-year term. The President and Mayor would alternate in the appointment of the Chairman and the President would appoint the first Chairman. The Board would appoint a Chief Executive Officer to manage the daily operations of the Corporation. The Board would, in consultation with the Chief Executive Officer, appoint a Chief Medical Director of the Corporation. There would be established a non-voting Advisory Board on Community and Labor Relations that would be comprised of not less than ten nor more than fifteen members who would be appointed by the Chairman, would serve three-year terms and would meet at least twice a year with the Board to offer its advice on how best to facilitate the achievement of the purposes of the Act.

Section 5 lists the powers of the Corporation. The Corporation would:

- adopt a corporate seal, which shall be judicially noted,
- sue and be sued,
- adopt bylaws, rules, and regulations as needed,
- appoint, fix the compensation of, and remove the Chief Executive Officer, the Chief Medical Director, and additional employees,
- enter into contracts and other arrangements, and solicit, receive, and make grants to or from any public or private resource or institution,
- buy, sell, lease from other persons, and otherwise deal in both real and personal property (including the construction of facilities),
- lease real property to other persons to generate revenue for the Corporation, but only at fair market value, and subject to the requirement that the property not be used in a manner detrimental to the functions of the Corporation,
- establish a charge structure on any reasonable basis or bases the Corporation chooses and bill for services provided,
- invest Corporation funds,
- expend any amounts received by the Corporation, as needed to carry out the functions of the Corporation,
- borrow (subject to the limitation of section 8),
- accept gifts (including grants from Federal agencies),
- maintain accounts (including burial funds) for patients,
- dispose of articles made by patients, and
- do such other things as may assist in carrying out the functions specified in section 3.

Section 6 sets forth comprehensive personnel provisions to ensure the protection of the current employees of Saint Elizabeths Hospital and of the Mental Health Services Administration of the District of Columbia. Political tests or qualifications could not be used with respect to any personnel action. Each person who is an employee of Saint Elizabeths Hospital or the Mental Health Services Administration on the day prior to the effective date of the Act would be transferred to the Corporation as an employee thereof, would maintain all their rights and benefits associated with the position from which they would be transferred, and could not receive a rate of compensation less than that received prior to transfer except for cause related to misconduct. All transfer employees would continue to be covered by the pertinent provisions of U. S. law covering compensation for work injuries, health insurance, life insurance and retirement until such time as such employee elects not to be so covered and the Corporation would make contributions to the same. The Corporation would be required within three years to develop and implement a unified personnel system at which time the provisions of the District of Columbia Government Comprehensive Merit Personnel Act would apply. A joint employee-management advisory committee would be established first to advise and assist the Corporation in the establishment of a unified personnel system and second to help assure continued sound, productive and cooperative employee-management relations. Any labor organization recognized as the exclusive bargaining representative of a unit of employees at Saint Elizabeths Hospital or the Mental Health Services Administration as of the day prior to the effective date of the Act would continue to be recognized as the exclusive bargaining representative of such unit of employees and all provisions of collective bargaining agreements would continue to be honored by the Corporation. Each transfer employee would be credited with his or her accrued annual and sick leave balances up to the date of transfer but would not be entitled to a lump sum payment of the same.

Section 7 would require the District of Columbia to pay the Corporation for services provided pursuant to a District of Columbia court order or to District of Columbia residents of limited means. The Attorney General would be required to pay the Corporation amounts charged for services provided pursuant to the order of a Federal court in a criminal or involuntary commitment proceeding. Title to Saint Elizabeths Hospital would be transferred to the Corporation without compensation by the Secretary of Health and Human Services. The Secretary of Health and Human Services would also be directed to transfer title to the J. B. Johnson Facility to the District of Columbia without compensation.

Section 8 would preclude the Corporation from borrowing funds any time the total debt service exceeded 7.5 percent of the Corporation's operating costs for the fiscal year preceding the date of borrowing.

Section 9 would require the Board of Governors to submit an annual report to the President, Congress, Secretary of Health and Human Services, and the Mayor regarding the current operations of the Corporation. The Corporation would also be required to submit a report triennially to the President, Congress, Secretary of Health and Human Services, and the Mayor regarding the viability and appropriateness of the corporate entity, financing mechanisms, land and facilities of the Corporation and of the unified personnel system. The accounts of the Corporation would be audited annually.

Section 10 would exempt the Corporation from the provisions of the District of Columbia Certificate of Need Act with regard to new institutional health services of the Corporation which are exclusively for individuals who are not residents of the District of Columbia. However, proposals for new institutional health services for nonresidents of the District of Columbia would be submitted to the District of Columbia for review and comment.

Section 11 contains the funding provisions of the Act. The provisions are designed to assure adequate funding for the Corporation and a clear attribution of responsibility for costs.

> Subsection (a)(1)(A) would transfer a specified sum of money from the sums appropriated for Saint Elizabeths Hospital to the Corporation. Subsections (a)(1)(B) and (C) respectively would transfer to the Corporation all sums appropriated for Saint Elizabeths Hospital and the Mental Health Services Administration of the District of Columbia but not obligated or liquidated by the effective date of the Act.

Subsection (a)(2)(A) specifies that the funding for care and services provided by the Corporation would be from collections from individuals receiving Corporation services, the District of Columbia, Executive departments and agencies and other entities in accordance with the Act.

Subsection (a)(2)(B) specifies the attribution of costs for care or services provided by the Corporation, as follows. Inpatient or outpatient services rendered to District of Columbia residents would be the responsibility of those individuals (except for individuals of limited means in which case the District of Columbia would be responsible); care or services provided to Federal statutory beneficiaries or from referrals by a Federal court in a criminal or involuntary commitment proceeding (whether or not for a District of Columbia resident) would be the responsibility of the Federal government; care or services provided pursuant to or in conjunction with research or training undertaken with the approval of or in collaboration with the Department of Health and Human Services would be the responsibility of the Federal government; and care and services not otherwise attributed would be the responsibility of the individual receiving the care or services or the agency or institution which referred the individual to the Corporation for care or services.

Subsection (a)(2)(C) would direct the District of Columbia to pay to the Corporation for the years 1985 through 1995 the amounts for which it is responsible as delineated by subsection (a)(2)(B). This amount would be adjusted each year to take into account the Federal government's transitional period funding provided the Corporation as set out in subsections (a)(2)(D) and (E).

Subsection (a)(2)(D) would authorize appropriations to the Secretary of Health and Human Services in the years 1985 through 1995 for grants to the Corporation of amounts equal to the higher of the amount for which the Federal government is responsible as specified in subsection (a)(2)(B) and the amount determined in accordance with subsection (a)(2)(E). In determining the amount authorized to be appropriated, amounts estimated on hand at the beginning of the fiscal year available for care and services would be excluded.

Subsection (a)(2)(E) specifies a formula for determining the amount authorized to be appropriated to the Secretary of Health and Human Services for grants to the Corporation. The amount would be equal to the product arrived at by multiplying the remainder derived by subtracting, from the total amount estimated to be required by the Corporation for care and services during the fiscal year, the total amount estimated to be received by the Corporation from individual and third party payers (including Medicare, Medicaid and SSI) and all sources other than the Federal Government during the fiscal year plus the sume of $35,900,000 + $ "X", representing the total payment from the District of Columbia for fiscal year 1984 for care and services at Saint Elizabeths Hospital and amounts expended for and through the District of Columbia Mental Health Services Administration by specified percentages. These are 100 percent for fiscal year 1985; 80 percent for fiscal year 1986; 70 percent for fiscal year 1987; 60 percent for fiscal year 1988; 50 percent for fiscal year 1989; 40 percent for fiscal year 1990; 30 percent for fiscal year 1991; and 20 percent for fiscal years 1992 through 1995.

Subsection (a)(2)(F) would require the Federal government and District of Columbia to make payments on a prospective estimated annual or reasonable periodic installment advance basis, with the estimated payments being adjusted at the end of the year to reflect the actual care and services provided.

Subsection (a)(2)(G) specifies that the rates charged by the Corporation shall be based on the reasonable daily cost to the Corporation of providing the care or service to the individual. In addition, once an initial schedule of fees and charges is established, it could not be adjusted more than once annually and there would be a comparable services inflation index ceiling placed on any such adjustment.

Subsection (a)(2)(H) would make all amounts transferred to the Corporation or appropriated pursuant to section 11 available until expended and exempt from apportionment.

Subsection (a)(2)(I) would require the Corporation to take into account amounts necessary for capital expenditures and reserves for replacement, depreciation, and other necessary purposes when estimating the amounts required from the District of Columbia and the Federal government.

Subsection (a)(2)(J) would require the Corporation to submit its proposed annual budget simultaneously to the President, Congress, and the Mayor sufficiently in advance of the fiscal year and without prior clearance or approval by the Executive branch of the District of Columbia.

Subsection (a)(2)(K) would require the Secretary of Health and Human Services to make a grant to the Corporation each fiscal year of the amounts appropriated pursuant to section 11 of the Act.

Subsection (b)(1) would allow the Secretary of Health and Human Services to make loans to the Corporation any time the amounts available to the Corporation are insufficient, subject to the limitation contained in section 8 of the Act. Any such loan would have a maturity date, bear interest, and be payable in installments.

Subsection (b)(2) would establish in the Department of Treasury a loan fund available to the Secretary of Health and Human Services without fiscal limitation to make loans pursuant to subsection (b)(1).

Subsection (c)(1) would direct the Secretary of Health and Human Services to transfer to the Corporation all title and rights of the Federal government in all property, real or personal, that the Secretary determines is used primarily in connection with Saint Elizabeths Hospital.

Subsection (c)(2) would direct the District of Columbia to transfer to the Corporation all title and rights of the District of Columbia in all property, real or personal, that the Mayor determines is used primarily in connection with the Mental Health Services Administration of the District of Columbia.

Section 12 would permit the Mayor of the District of Columbia to assume responsibility for either those assets, liabilities, resources, and services of the Corporation which are primarily for District of Columbia residents or for all assets, liabilities, resources, and services of the Corporation, by filing an election notification on or within ninety days before the fifth or eighth anniversary date of the Corporation. Upon notification by the Mayor that the District of Columbia intends to assume responsibility for services of the Corporation, the Corporation would develop a comprehensive plan for the implementation of the transfer and submit the same to the President, Congress, and the Mayor within 270 days after receipt of notice from the District of Columbia. If no objection to the Corporation's plan is received from the President or Mayor within ninety days of its submittal, it would become effective. If the President or Mayor objects in writing, the plan would not become effective for one year following the date of its submittal to Congress, in order to allow the Congress time to consider the plan.

Section 13 would enact repeals and conforming amendments. Saint Elizabeths Hospital would be renamed Saint Elizabeth's National Mental Health Hospital Center.

Section 14 would make the effective date of the Act the earlier of the 180th day after the President appoints the last of the four Presidential appointees to the Board of Governors or the 270th day aft the date of enactment of the Act. Notwithstanding the foregoing provision, the Board of Governors may act as soon as it is constituted in accordance with section 4 of the Act, and the appropriations authorization would become effective on enactment.

National Capital Mental Health Services Corporation Act

Overview

The problems facing St. Elizabeths Hospital and the delivery of mental health services in the District of Columbia have always been clouded by a lack of understanding of the roles and responsibilities of the District and Federal governments.

St. Elizabeths Hospital is a unique facility because it provides not only the usual facilities and services of a state mental hospital but it is also a training and research facility for the Federal government. In addition, it has a special patient population that includes many who are federal responsibilities -- Federal court psychiatric forensic referrals and others provided by federal statute. There are also federal programs for specialized populations such as the mentally ill deaf.

This legislative proposal not only defines the District-Federal responsibilities but also deals with the fragmented relationship with the District's Mental Health Services Administration. There must be a unified system of care providing a continuum of services into the community. This proposal best embodies the court order in Dixon vs. Heckler and has in fact, been endorsed by the Mental Health Law Project, counsel to the plaintiff class in this case. Long neglected and under served mental health needs in the District will be met.

With the continued development of quality community-based mental health resources, our nation has yet to study and evaluate in a comprehensive way the unique problems of providing quality care in an urban setting. This bill deals directly with the problem of the inability of our cities to deal effectively and humanely with the deinstitutionalized homeless and the crucial drug related mental health crisis.

Structure

The bill established a nonprofit public corporation known as the National Capital Mental Health Services Corporation. The Corporation will unify in one administrative unit all services presently provided by the D.C. Mental Health Services Administration and St. Elizabeths Hospital.

The Corporation will be governed by an eleven member Board of Governors -- 4 appointed by the President, 4 by the Mayor and 3 exofficio members (the Chief Executive Officer of the Corporation, the Director of the District of Columbia Department of Health Services). They will serve six-year staggered terms. There would also be established an Advisory Board on Community and Labor Relations.

A corporate structure is necessary to solve the complex policy and administrative problems working through two complex personnel and management systems. The bill protects the rights and benefits of current employees -- all of whom will become Corporation employees. Within three years the Corporation will set up its own personnel system. Training and re-training will be provided to employees as more clients (and therefore jobs) move into community settings.

The bill supports the District of Columbia in its efforts for home rule. In both the fifth and eight year the City has the option of taking over either the entire system or that part of the system that primarily serves District residents.

There is a prospective payment mechanism specified. After payment by individuals or third party payment the District assumes payment for its residents and the Federal government pays for its patients. At present, the Federal government has maintained that it is paying an excess share. The federal commitment for this slack would decline drastically over seven years. The bill sets forth, for the first time, all the varied populations and programs St. Elizabeths services and delineates who pays and who is responsible for which programs and patients.

The Corporation proposal needs immediate Congressional action. The Administration's budget for FY '85 calls for another cut of some $19 million in St. Elizabeths' appropriations. Action is critical this year to avoid a crisis in mental health care delivery in our Nation's capital.

"National Capital Mental Health Services Corporation Act" Funding Formula

Federal Payment =

Higher of

1) FC

and

2) X% [TC - (D.C. FY'84 + OPymt)]

Where FC = cost for federal stuatory beneficiaries, federal court referrals and research, training and demonstration formulas

X% = declining percentage as specified

TC = total corporation cost

D.C. FY'84 = FY 1984 D.C. Payments for Saint Elizabeths Hospital and D.C. Mental Health Services Administration (excludes D.C. Medicaid share)

OPymt = all other payments from individuals and third party payers (including Medicare, Medicaid and SSI) and all other payments from non-federal sources.

May 10, 1984

KEY ELEMENTS OF FUNDING PROVISIONS OF PROPOSED "NATIONAL CAPITAL MENTAL HEALTH SERVICES CORPORATION ACT

Section 11 of the proposed Act contains comprehensive Corporation funding provisions, as follows:

1. Existing Funds Transfer: Funds appropriated or available for Saint Elizabeths Hospital and D.C. Mental Health Services Administration to be transferred to Corporation.

2. Payments for Corporation Care and Services: Corporation to collect for all care and services from individuals (or third party payers), D.C., Federal Government, and other responsible entities, in accordance with apportionment of payment responsibility.

3. Apportionment of Payment Responsibility: Full apportionment of costs so that--

   - Individual (or third party payer) receiving care or services is responsible for costs except as provided below.
   - D.C. is responsible for costs of care and services to D.C. residents of limited means, except where the Federal Government is bearing these costs, and for local court forensic or commitment referrals.
   - Federal Government is responsible for care and services (1) to Federal statutory beneficiaries and Federal court forensic or commitment referrals (whether or not D.C. resident); (2) research, training, demonstration programs with HHS approval or collaboration; and (3) for transition period funding of declining percentage of costs in excess of (1) and (2) and not otherwise covered.
   - All other costs are responsibility of referring state, local, or other appropriate entity.

4. D.C. and Federal Government Payments: For each of fiscal years 1985-1995, D.C. and Federal Government responsible to pay Corporation prospectively, on an annual estimated basis (with adjustments at end of year), costs for which each is responsible, in accordance with Corporation's budget submitted to Congress, President, and D.C. Mayor.

5. Federal Government Transitional Period Percentage Funding: To assist D.C. and help assure Corporation's financial viability, appropriations are authorized, and Federal Government is to make grants of amounts appropriated, for each of fiscal years 1985-1995, in amounts equal to higher of (1) costs attributable to Federal Government and (2) declining percentage of balance of Corporation costs for the fiscal year after deducting FY 1984 D.C. payments for Saint Elizabeths Hospital and D.C. Mental Health Services Administration and all other payments from individuals and third party payers (including Medicare, Medicaid & SSI) and all other payments from non-federal sources. Declining percentages are: 100%, FY 1985; 80%, FY 1986; 70%, FY 1987; 60%, FY 1988; 50%, FY 1989; 40%, FY 1990; 30%, FY 1991; and 20%, for FY 1992-FY 1995.

6. Inflation Cost Increase Limit: Corporation fees and charges may be adjusted only once annually, with adjustments limited to comparable cost increase factor developed with HHS and the District of Columbia

COUNCIL FOR COURT EXCELLENCE

STATEMENT OF CHARLES A. HORSKY, PRESIDENT

Senator SPECTER. We are going to hear Mr. Horsky first before taking a recess so that I can attend the Foreign Operations Subcommittee meeting, which I will do for a few moments and then return.

Mr. Horsky, we welcome you here. We know the very substantial contribution that you have made in the past on the administration of justice in the District of Columbia, and otherwise, and we look forward to your testimony.

Mr. HORSKY. I will be very brief. You have my statement but let me speak to two relatively small budget items which I think warrant your attention.

We have in the District of Columbia on the Superior Court an enormously overburdened court, even with the seven new judges that you have authorized recently who are about to take office. One of the resources of that court, however, are senior judges who are going to continue to serve. In the court's budget, there was a request for two additional law clerks and three additional secretaries to serve those senior judges.

Senator SPECTER. Two clerks and three secretaries?

Mr. HORSKY. Two clerks and three secretaries.

Senator SPECTER. To serve how many judges?

Mr. HORSKY. Well, at the moment there are eight active senior judges who are serving full time, and they have one secretary and one law clerk. We think that is a waste of judicial talent. What we are interested in is maximizing the resources the court has.

Senator SPECTER. So you want two more secretaries and three more clerks?

Mr. HORSKY. That was in Judge Moultrie's budget, and it was stricken by the Mayor and the Council, and we think it ought to be restored.

Senator SPECTER. Is it your representation, Mr. Horsky, that that would be adequate to serve eight judges?

Mr. HORSKY. Well, it would be better than what it is now.

Senator SPECTER. Are these eight judges good typists?

Mr. HORSKY. I beg your pardon?

Senator SPECTER. Are these eight judges good typists?

Mr. HORSKY. I do not really know whether they are or not.

Senator SPECTER. I can understand their doing their own research. I conclude that they are good at research, but how are they at typing?

Mr. HORSKY. I think they are probably not very good at typing.

Senator SPECTER. I would have some question as to whether your request is adequate as to secretarial staff.

Mr. HORSKY. Well, I am simply taking Judge Moultrie's request and endorsing it. I think obviously the Federal system supplies full staff to a senior judge if he works full time. On that basis there ought to be full staff for at least eight senior judges.

Senator SPECTER. Not only full staff, but we just excused them from the Social Security obligations.

Mr. HORSKY. That is right.

Senator SPECTER. As we should have.

Mr. HORSKY. As we should have, surely.

NEED FOR ADDITIONAL PROBATION OFFICERS

The other topic to which I would like to have you address Mayor Barry's attention when he appears is with respect to probation officers. The court asked for some additional probation officers in the criminal division to take care of the additional load that will be created by the work that is done by the seven new judges.

I think one of the reasons for those seven new judges was to get a handle on the criminal case load, and Judge Moultrie asked for some additional probation officers, who were also stricken, and I suggest that you ask again why that is not an appropriate request.

These are not big dollar numbers. These are relatively small requests.

Senator SPECTER. What are we talking about in dollars for the secretaries, clerks, and probation officers?

Mr. HORSKY. The secretaries and clerks are about $140,000, and the probation officers are probably $300,000, something in that range. I am not positive of the actual figure.

Senator SPECTER. When we get these seven new judges and the 21 new prosecutors, which this subcommittee took the initiative on last year, will we then have an adequate judicial system, assuming that we add the probation officers, the two secretaries, and the three clerks?

Mr. HORSKY. We would be pretty close to it, sir, yes. I think so. I think so.

Senator SPECTER. We will be able to get down the backlog on criminal cases and the time from arrest to trial?

Mr. HORSKY. I really believe so.

Senator SPECTER. And the domestic relations backlog, and all of those horrendous charts we saw last year? Mr. Horsky, you are as close as they come to an expert on that subject.

Mr. HORSKY. Do not ask me to predict the future in that respect, but we will do a much better job than we did last year. I am sure of that.

Senator SPECTER. I am not as optimistic as you are, Mr. Horsky.

Mr. HORSKY. Well, I really am. You helped out with these senior judges. That increases the court by eight judges. You have added seven, and a good many of the other senior judges are willing to work part time. So there is going to be a substantial number of people that Judge Moultrie can use.

Senator SPECTER. Are there other judges available besides the eight to which you refer?

Mr. HORSKY. My statement has a table. There are at the moment 10 senior judges, but 8 of them this last quarter have been working full time.

I will not bother you further, sir. There are a couple of other points in my statement which you can digest at your leisure.

Senator SPECTER. Well, we shall study it closely. I am very much concerned about the judicial system in the District of Columbia and the country, and it is my view that if it cannot be done in Washington, D.C., how can we expect it to be done anywhere under the watchful eye of the Congress of the United States which supplements the efforts of the administration.

We will take a close look at your request, as we will of all of the requests, and I hope your optimism will fulfill a prophecy.

Mr. HORSKY. Well, we are working in a variety of ways to improve the efficiency of the courts and things of that sort. I think we are showing progress.

Senator SPECTER. Thank you very much, Mr. Horsky. I want to thank you for the work and the contribution which you have made on this very important subject.

I would like to recess at this point because I do have to go to another subcommittee meeting, which is right around the corner, and I shall try to return within 15 minutes to resume the hearings. Thank you.

[A brief recess was taken.]

[The statement of Mr. Horsky follows:]

STATEMENT OF CHARLES A. HORSKY

Mr. Chairman, Members of the Committee, thank you for allowing me the opportunity to appear before you today. My name is Charles A. Horsky, and I serve as President of the Council for Court Excellence, a group of concerned citizens from the legal, business, civic and judicial communities within the District of Columbia. Our main organizational purpose is to promote improvements in the administration of justice in the local and federal courts in the District of Columbia. To this end we conduct educational programs for the judiciary and the community on different topical subjects and we advocate specific reforms where necessary such as our support of the one trial/one day jury service idea, and our concern for greater fairness and consistency in criminal court sentencing.

My brief testimony today addresses several different fiscal topics all related to maximizing the effective use of judicial resources within the District of Columbia Superior Court. As a community witness I wish to raise for your further consideration the serious need for adequate support staff for those Senior Judges who continue in active judicial service in the Superior Court; to ask your review and support of Chief Judge Moultrie's request for several additional adult criminal probation staff; and to ask for the Congress to clearly express its' strong commitment, support and understanding of the need for pre-service judicial orientation and education for both the seven new D. C. Superior Court judges soon to be added, and for all new trial and appellate judges in the D. C. Courts added hereafter.

SUPPORT STAFF FOR ACTIVE D. C. SUPERIOR COURT SENIOR JUDGES

Briefly, Mr. Chairman, the Council for Court Excellence strongly favors approval of the D. C. Superior Court's F.Y. 85 budget request for five support positions to assist the effective functioning of the nine active Senior Judges. Chief Judge Moultrie's request, which was not supported by the Mayor or the D. C. Council, would provide for three more law clerks and two more secretaries. Presently these most experienced members of our local bench have to make do with sharing one law clerk and one secreatry among all nine Senior Judges. Clearly, this matter demands immediate relief. I need not belabor the broader issue of the serious caseload pressures and backlog now present in the D. C. Court at both the trial and appellate levels. The U. S. Congress only recently authorized seven new judicial positions for the D. C. Superior Court. Interestingly, a review of Mayor Marion Barry's recent testimony before the Congress regarding the request for the additional seven judges made reference to the need to provide better support for the Senior Judges as one means of augmenting the Superior Court's capacity to handle the growing case backlog.

In addressing the issue of the Superior Court's request for additional law clerks and secretaries for Senior Judges, we studied several points which might assist your review of this subject. First, it is important to determine how many Senior Judges we are likely to have each year in the Superior Court, and what percent of each year they serve. Data for the past several years reveals that nine to eleven retired judges have continued to carry a substantial caseload each year in the Superior Court. These same judges in 1981 sat nearly 8,000 hours, and in 1982 their judicial service extended to nearly 12,000 hours. Based upon available data for regular associate judge hours in the Superior Court, Mr. Chairman, we completely concur with Chief Judge Moultrie's estimate that he has the equivalent of between four and five additional active judges because of the COMPLETELY VOLUNTARY continuing judicial service of our Senior Judges.

Concluding points I would like to offer on the staff support for Senior Judge subject include: one, ample research data exists to justify the greater productivity of judges where they have adequate law clerks and clerical back-up; two, the fact that Senior Judges in the Federal Courts across the Country are routinely provided support staff for as long as they carry an active caseload; and finally from a cost-benefit standpoint Senior Judges are about the best judicial bargin this community will ever have. They serve this community well, and deserve strong support.

PROBATION OFFICERS FOR THE D. C. SUPERIOR COURT

The Council for Court Excellence supported the need for seven additional judges for the D. C. Superior Court, and we appreciate the recent approval of this urgent request. From all appearances the need for the additioanl judges was most strongly based on the need to address the criminal court case increases over recent years, and the existing delays in processing these cases by the Superior Court. As important as the judicial resource is to the smooth functioning of our Court System, it is essential that adequate staff support be present in the Probation office. Staff is needed to prepare the judicially ordered presentence reports in a timely manner, but even more to supervise those individuals convicted of a crime in the District of Columbia who receive terms of probation.

Mr. Chairman, the D.C. Courts' budget request provides at Volume II,page FM/FC/FN-21, considerable data about Probation caseload growth and other pertinent material about the D.C. Superior Court needs in this area. The Council for Court Excellence concern goes to the essential need for proper staff support in the very area where the U.S. Congress most focused on - namely the Criminal Court. We urge the D.C. Appropriations Committee of the Congress to allocate additional resources to the probation area.

PRESERVICE ORIENTATION OF NEW D.C. COURTS JUDGES

Mr. Chairman, the Council for Court Excellence strongly supports all necessary steps to provide our judiciary with a high quality continuing education as an integral part of ongoing judicial service. We have been working with the D. C. Court leadership in the trial and appellate bench to learn about existing opportunities for continuing judicial education programs and approaches. Also, we have surveyed other State Court judicial education models to compare it with the D.C. Superior Court and Court of Appeals activities.

Our concern today is that the Congressional intent be clear as to need, value and benefit received from having our judges participate in pre-service and in-service judicial education programs. In particular, while we are fully aware that with the seven new judges being added to the Superior Court later this year, there may be considerable pressure to immediately assign these judges to pending cases. The Council for Court Excellence believes a brief period of pre-service judicial education, possibly lasting two or three weeks at most, will pay dividends almost immediately.

Our request to you is to have this Committee and the Congress as a whole go on record in support of allowing the D. C. Courts and Chief Judge Moultrie the leeway to offer pre-service orientation to the seven judges soon to come on the Superior Court bench.

Mr. Chairman, this concludes my testimony. We have included some supplementary material as an appendix, in the event it might be needed.

Thank you for allowing us to appear; I would be happy to respond to any questions.

APPENDIX A

Re. Testimony of Charles A. Horsky, President, Council for for Court Excellence, May 23,1984

U.S. COURTS USE OF SENIOR JUDGES

At the federal court level, for the period ending June 30, 1983, there were 230 Senior Judges in both the U.S. District Court, and the Circuit Courts of Appeal. In 1983 federal court Senior Judges accounted for 16% of the overall civil and criminal work at the trial court level.

Data furnished by the Administrative Office of the U.S. Courts, Statistical Analysis and Reports Division.

D.C. SUPERIOR COURT SENIOR JUDGE USAGE,1981,1982

The data below portrays hours worked in 1981 and 1982. Using the federal court judicial workload standard of 215 days service for an active judge, or 1720 hours annually Superior Court Senior Judges in 1982 represented an equivalent of six associate judges-- 11,992 hours divided by 1,720 hours.

	1981		1982		
JUDGE #	HOURS WORKED	DAYS	JUDGE#	HOURS	DAYS
1*	48	6	#1*	1960	240
2	120	15	2	624	78
3	368	41	3	872	109
4	472	59	4	896	112
5	632	79	5	808	101
6	680	85	6	992	124
7	1072	144	7	1192	149
8	1144	134	8	1656	207
9	1544	193	9	832	104
10	1776	222	10	536	67
	7856		11	1624	203
				11,992	

Note: 1981 data is from D.C. Courts budgetary testimony before the Council of the District of Columbia, FY 82. 1982 data supplied by Executive Office of the D.C. Courts.

* Judge Numbers may represent different individuals,1981 as compared with 1982.

DISTRICT OF COLUMBIA ACTION FOR FOSTER CHILDREN

STATEMENT OF DR. JOHN HAMILTON WEST, PRESIDENT

Senator SPECTER. The subcommittee will come to order. We will now hear from Dr. John Hamilton West, president, District of Columbia Action for Foster Children.

Welcome, Dr. West. I regret the delay. I just heard some testimony from Deputy Secretary of State Dam on totally different kinds of problems from those that we are facing here this morning.

Dr. WEST. Thank you.

First I would like to say good morning, and, Mr. Chairman, I am Dr. John Hamilton West, president of the District of Columbia Action for Foster Children, which is a nonprofit organization that monitors the foster care system in the District of Columbia.

Before I go into my testimony, I would like for you to know, Senator, that the board of directors and I have been following your visits to the Lorton facility because many of those residents out there are also past foster youngsters.

I am told that the State of South Carolina did a study about 5 years ago that showed that over 30 percent of the residents in that criminal justice system were foster youngsters. I would hypothesize that at Lorton the percentage would be much higher than that, and as you well know, most of the residents also probably have severe reading disorders as well.

The reason I point that out is that I think it shows that the work that we do is interconnected and interrelated.

Last year when I testified before the committee, I tried to make a conscious effort to give a balanced viewpoint in evaluating the District of Columbia foster care system. I pointed out the areas where advances had been made, and I also pointed out problem areas.

FIVE PROBLEM AREAS IN FOSTER CARE SYSTEM

This year I would like to concentrate on at least five problem areas. The first one is the child tracking system. DCAFC feels that it is just simply appalling that we do not know where all of our children in that system are located, and for less than $5,000 we can buy a computer system that would allow us to know the location of all of those children in the system.

We feel strongly that before you talk about service areas and other matters, it is just foundational or basic to know where the population is that you work with.

The second concern that we have, DCAFC believes strongly that the citizen's case review model is the best for the protection of our children because it allows for agency accountability. It is presently possible for our youngsters to go before the court and never appear before a review body that consists of community persons, and we believe very strongly that community participation protects our youngsters.

Our third concern is that we feel that preventative services are lacking in the District of Columbia, and we feel that it is shortsighted to focus attention on dealing with children and families after they enter the system rather than before.

In the body of my testimony I mention the State of Maryland, which is our neighboring State, has developed an interesting program called the Intensive Permanency Planning Family Reunification Project, and they are finding that by focusing on these families that are high risk, it is saving the State money. We greatly need to have a family reunification project in the District of Columbia.

A fourth concern that we have is that we simply have too many of our children out of State. We have over 100 youngsters in residential facilities as far away as Austin, Tex. We feel that this is ridiculous and shortsighted. It costs the city between $35,000 and $55,000 a year per child. We have the resources, the talent, and the interest to develop——

Senator SPECTER. How much a child?

Dr. WEST. It ranges from $35,000 to $55,000.

Senator SPECTER. Per child?

Dr. WEST. Per child in a facility, such as Brown's School in Austin, Tex.

Senator SPECTER. How many children do we have there?

Dr. WEST. We probably have three or four at Brown, but we have over 100 children scattered all over the United States, in Florida, Texas.

Senator SPECTER. And we place them there?

Dr. WEST. We place them there.

Senator SPECTER. And why do we do that?

Dr. WEST. On the premise that we do not have the resources in the District of Columbia to meet these children's needs.

Senator SPECTER. Are you sure of that?

Dr. WEST. Yes; when the Commissioner from the Social Service visits you, I would invite you to get that number.

Senator SPECTER. I shall not await their visit. The subcommittee is going to be looking into that this morning. I find that astounding.

Dr. WEST. It is astounding.

Senator SPECTER. That the District of Columbia would be paying $35,000 per child for foster care in San Antonio, Tex.

Dr. WEST. No, no, no, not for foster care, sir, but for special services.

Senator SPECTER. What kind of special services?

Dr. WEST. These would be children who have severe emotional problems, learning disabilities, various handicaps. For example, in Pennsylvania they have a very popular facility called——

Senator SPECTER. Well, I can understand going to Pennsylvania. I just cannot understand going to Texas.

Dr. WEST. Well, we feel that even Philadelphia is too far. We feel that programs can be developed right here.

Senator SPECTER. I do too, on the serious level.

What sort of care would a child be getting in Texas that would cost $35,000 a year?

Dr. WEST. It would be an emotionally disturbed youngster with severe learning problems.

Senator SPECTER. And how many such youngsters do we have scattered around the country did you say?

Dr. WEST. At least 100.

Senator SPECTER. At least 100, and the point you are saying is that there are no facilities available within the District?

Dr. WEST. That is right, because, Senator, not too long ago we were placing youngsters or children on the wards of adults at St. Elizabeths Hospital. So we have not made much progress in that area.

Our last concern is that we feel that monitoring is basic to protecting our children, and the Department is basically in the process of developing a monitoring unit, and they do not plan to include an independent monitor on those teams, meaning that there would be no community participation.

We feel very strongly that our children are protected when we allow the community to participate and be involved in their care.

Senator SPECTER. Thank you very much, Dr. West. We very much appreciate your testimony and for alerting us to what appears to be a very substantial and expensive problem, and one which ought to have some solution much closer to home, closer to home than Pennsylvania even.

Thank you, sir.

Dr. WEST. Thank you. I appreciate it.

[The statement of Dr. West follows:]

STATEMENT OF DR. JOHN HAMILTON WEST

Mr. Chairman, Members of the Subcommittee, I am Dr. John Hamilton West, President of the District of Columbia Action For Foster Children, Inc. (DCAFC), representing the Board of Directors and membership of a non-profit advocate organization with the following objectives: (1) To take an active role in monitoring the foster care services provided by public and private agencies; (2) To inform the general public about the needs for services and the quality of care that is being provided to foster children and their families and (3) To unify all of the organization's efforts and resources with other child, youth, and family oriented agencies/organizations in the community.

Last year, when I testified before this Subcommittee, a conscious attempt was made to present a "balance viewpoint" concerning the positive changes that had occurred in improving the operation of the District of Columbia Foster Care System along with a discussion of problem areas. My testimony, this year, will focus on those problem areas where little progress has been made in bringing about positive improvement.

For three years, DCAFC has expressed concern that the computerized child tracking informational system is only partially functioning. DCAFC is appalled that this tracking system cannot locate every child in the foster care system on a given day. If we genuinely care about dependent, neglected and abused children, the community must know where they are located! The given location of a foster child is foundational to any program system that is designed to provide quality services to children and their families. With the technological advances in the computer field, it is possible to purchase a standard computer for $5,000 or less to do the job that is needed. It is simply shocking to know that for a nominal fee of $5,000, the community could be informed of the location of every child in the District of Columbia Foster Care System. In relationship to the tracking system, DCAFC has formulated the following questions:

1. What is the projected date for reducing the foster care caseload to the legal level?
2. How many children have adoption as the permanent plan?
3. How many children were adopted in 1983?
4. How many foster children have been reunited with their natural parents?
5. What are the three major reasons for natural parents placing their children in foster care?
6. What is the highest monthly cost for a single child placed in a traditional foster home? Is this cost, higher than an AFDC payment for a single child?
7. How many children reside out of "State" in private homes; group homes and institutions?
8. What is the monthly cost for a child living out of "State" in private homes; group homes; and institutions?
9. How many children were placed in care at birth and reached the majority age (19 years) still as wards of the city during the period 1960 to 1980?
10. How many siblings in the foster care system are living apart from other brothers and/or sisters?
11. On any given day, can a specific child be located on the computer. Is the print-out updated daily?
12. Is there a monthly print-out of services provided to child, foster parents and natural parents, listing of social worker contacts with foster child, foster parents and natural parents, listing of visitations between foster child and natural parents, caseworker visits to school settings, listing of visitations to health clinic, etc.

In last year's testimony, DCAFC praised the District of Columbia Foster Care System for establishing a formal administrative case review procedure. DCAFC is a strong supporter of the foster care case review approach because it has the potential to ensure that permanent plans are developed for all of the children in a given foster care system thereby preventing children from "drifting" in care. It is DCAFC view that the best way to review children in foster caré is to have citizens from the community involved in the process. The District of Columbia Foster Care System conducts "agency administrative case reviews which is an internal review type system. Consequently, the foster care system in the District of Columbia monitors itself. As experience consistently teaches, self-monitoring often has many pitfalls. For the continued growth and development of the foster care agency, it is vital that a case review model is selected that has the power element to hold the given system accountable. DCAFC believes that the citizen case review model is the best way to hold a foster care agency accountable for its actions. The children in care benefit from the citizen case review model because there will be new advocates working on their behalf from the community. DCAFC is also concerned that it is presently possible for a foster care case in the District of Columbia to never come before the administrative review panel that has an independent reviewer representing the Community. Consequently, it is possible for the court to make decisions in regards to a given case without any input from citizens in the community.

Thirdly, DCAFC is deeply concerned that the District of Columbia Foster Care System is placing minimal emphasis on providing preventive services to high risk children and their families. Presently, the focus is on providing services to children and their families after they enter the foster care system rather than before the child becomes a ward of the city. In addition, DCAFC believes that a family reunification program is greatly needed in the District of Columbia. Our neighbor, the State of Maryland, has wisely funded a project called "Intensive Permanency Planning (Family Reunification) Project." This exciting program has as its goal to return approximately 600 youngsters to their natural parents or relatives over an 18 month period. Last September, 1983, when Governor Harry Hughes announced the funding of this project, he made it clear to the citizenry that it had his full support. The goals of this family reunification project are (1) To reduce the caseloads of social workers in the most populace jurisdictions of the State of Maryland;

(2) To provide more opportunities for social workers to offer intensive services to high risk children and their families in order to promote family reunification; (3) To utilize the cost savings from reduced caseloads of the social workers to increase staff size, increase services to children and their families, purchase clothing, etc. As studies consistently show, the data from this project are beginning to indicate that it is cost-effective to work toward the reunification of families in foster care systems.

A fourth DCAFC concern is that the District of Columbia Foster Care System has placed too many of our children in residential facilities far away from home. There are approximately one-hundred youngster scattered all over the United States at great expense to the community. The yearly cost per child range from $35,000-$55,000. It is simply economically wasteful and harmful to the development of children to have them reside in these minimally monitored settings. There should be community-based programs to meet these youngster's needs. Within our community, there is the expert talent and interest to develop specialized service programs for children and their families.

Lastly, DCAFC is concerned that the newly organized program monitoring teams will not include an independent monitor representing the community. As previously pointed out, this means that the agency will be simply monitoring itself. Consequently, accountability will be severely weaken.

Mr. Chairman, I will galdly answer any questions that you might wish to ask. I thank you for the invitation to share DCAFC concerns.

CAPITAL HILL RESTORATION SOCIETY

STATEMENT OF WILLIAM H. VAN DEN TOORN

Senator SPECTER. I would like to now call Mr. William van den Toorn, Capitol Hill Restoration Society.

Mr. VAN DEN TOORN. Thank you, Mr. Chairman.

Senator SPECTER. What is the geographic boundary of the concern of the Capitol Hill Restoration Society?

Mr. VAN DEN TOORN. I have a map which I can provide for the record.

Senator SPECTER. Does it include basically just the Capitol Hill area?

Mr. VAN DEN TOORN. The Capitol Hill residential district. It is mainly bounded by the Southeast Freeway and H Street.

Mr. Chairman, I am here on behalf of the Capitol Hill Restoration Society. We have about 1,000 members who are residents of Capitol Hill, and the problem I would like to discuss with you briefly this morning is a maintenance problem, maintenance of the District roadside park sites. This may seem relatively insignificant, and perhaps in a budgetary sense, it may well be. But to many of us who live in the District, who make it our home, and work here, and pay taxes here, it is not a trivial issue.

For the past several years, we have seen a situation where the parkland, which is under the jurisdiction of the D.C. government, has deteriorated to the point where maintenance services are practically nonexistent. To put this problem in perspective, and I want to recommend something a little further on here, but very briefly, Mr. Chairman, there are about 600 acres of public space which is parkland in the city proper. A good deal of this acreage are triangular park sites that are located throughout the District of Columbia, and mainly they were planted up years and years ago when all of this parkland was maintained by the National Park Service.

In 1971, jurisdiction over this parkland was given to the District of Columbia government, under an agreement signed at that time, with the exception of some park spaces that are very close to this congressional complex that were retained by the National Park Service because they serve or were thought to serve at that time generally a national function, and you will see that there are a number of these park sites in residential areas very close to Capitol Hill, the Capitol here now, that are still maintained by the National Park Service.

But my testimony is concerned with those park sites that were returned to the District government for maintenance. The responsibility for maintaining this parkland rests with the new Department of Public Works, specifically the Division of Roadside Parks Maintenance in the Public Space Management Administration.

Currently there are 38 positions authorized for 1984 for this division. Essentially they have eight three-man crews, one per ward, which are responsible for maintaining all of this parkland, including median strips, roadside areas along the major arteries, East-West Highway, Suitland Parkway, and so on.

What has happened is that the resources that this division has to maintain these parks has fallen to such an extent that, for instance, last year 2 months went by in the middle of the summer when these parks, and there are about 20 or 25 of them immediately on Capitol Hill, were not even mowed, and I have some pictures here, some of which I will be glad to submit for the record, which show the near jungle-like conditions that exist here.

Now, in many cases under the Adopt A Park Program, the residents have adopted, taken over these parks, and are maintaining them on a voluntary basis, but many of them are not maintained by residents, and it seems to us, Mr. Chairman, that this is a basic city service. It is a resource that has been inherited by this city, and it seemsto us that some additional funds could be made available for purposes of bringing these parks up to a minimum level of maintenance.

What we would like to recommend, Mr. Chairman, and I will close here very shortly, it is not possible for me, frankly, to sit here and say they need 10 more people or 20 more positions or $200,000 more and so forth. It seems to me what has to be done is that the officials in the Public Works Department have to sit down and develop some sort of a plan and determination as to what constitutes an acceptable level of maintenance for these parks, and then translate that into whatever additional resources, additional equipment, perhaps some additional crews.

Senator SPECTER. Have you taken these issues up with the Department of Public Works?

Mr. VAN DEN TOORN. We discussed them several years ago with the D.C. Department of Transportation——

Senator SPECTER. How recently have you taken up these specific concerns?

Mr. VAN DEN TOORN. Late 1970's or early 1980's, sir.

Senator SPECTER. Well, don't you think you ought to take your issues there before you bring them here?

Mr. VAN DEN TOORN. I have discussed the parks maintenance program with the officials in the division itself.

Senator SPECTER. When?

Mr. VAN DEN TOORN. Just recently. It was within the last month.

Senator SPECTER. Well, you are distinguishing those people from the departmental officials?

Mr. VAN DEN TOORN. No; these are people in the Division for Roadside Parks Maintenance.

Senator SPECTER. Who is the head of the Department of Public Works?

Mr. VAN DEN TOORN. I am not sure, sir. I have not spoken with the Department of Public Works, but our experience is, Mr. Chairman, quite frankly, when we discussed this several years ago, and mind you several years ago the maintenance activity was still adequate in our opinion, but when we discussed——

Senator SPECTER. Mr. van den Toorn, the point that I would make to you is before coming to the District of Columbia Subcommittee with this request, it seems to me that you ought to take it up with the head of the Department of Public Works. You ought to take it up with the City Council. You ought to take it up with the Mayor if you expect this subcommittee to take it up with the Mayor.

You really ought to pursue your position within the city government before you bring it to the District of Columbia Subcommittee, and I would respectfully suggest that to you.

Mr. VAN DEN TOORN. I understand that, Mr. Chairman. It has been our experience in the past in dealing with the city officials who are responsible for the parks that they were not about, due to other priorities, competing interests in the department——

Senator SPECTER. That is an insufficient answer. They are going to have the same problems, and so do I have the same problems, but I would suggest to you that you make your position known to the appropriate officials. Does the City Council have hearings where you might appear and testify on this subject?

Mr. VAN DEN TOORN. They did have a series of hearings. I did not appear.

Senator SPECTER. Why not?

Mr. VAN DEN TOORN. Well, quite frankly, they were scheduled, and I did not know about them.

Senator SPECTER. I would make this suggestion, and it would not only be applicable to you, but to everybody who comes before this subcommittee, we have oversight responsibilities. We do not have the basic planning responsibility. We do not have the role to make the kinds of determinations.

May I suggest to you that you submit these matters to the appropriate officials down the line, the department, the City Council and the Mayor?

Mr. VAN DEN TOORN. Would it be acceptable to you, sir, if we could write a letter to the head of the Department of Public Works and——

Senator SPECTER. If you would write a letter?

Mr. VAN DEN TOORN. We would write a letter to the Department of Public Works and take these matters up and submit a copy to your committee. Would that be all right?

Senator SPECTER. I would suggest that that would be a basic point which you ought to do.

Mr. VAN DEN TOORN. All right, fine.

Senator SPECTER. Thank you very much.

[The statement of Mr. van den Toorn follows:]

STATEMENT OF WILLIAM VAN DEN TOORN

We appreciate the opportunity to submit this statement. My name is William van den Toorn and I am presenting this statement for the Capitol Hill Restoration Society, a community organization representing 1,000 residents of Capitol Hill.

We urge the Subcommittee to direct the D.C. Government to develop and implement a plan that will improve maintenance of the City's roadside park sites. The deplorable condition of many of these parks is a blight on nearly every neighborhood in the District of Columbia.

To some this may seem a trivial issue. But it is not trivial to most people who live, work, and pay taxes in the city.

Later, we will suggest some steps that the D.C. Government can take to reverse the deterioration of the City's neighborhood parks. But first, I would like to review the record and put this problem in perspective.

City Park Sites

The D.C. government has jurisdiction over 600 acres of green space along city roads and streets, including freeway and parkway median strips. The roadside parks, part of this acreage, are mainly small triangular grassy spaces located in the city proper. Years ago, many were planted with flowering trees and shrubs. In the Capitol Hill community alone, there are approximately 25 separate roadside park sites which are the responsibility of the D.C. Government.

Until FY 1971, most of the city's park sites were maintained by the National Park Service, U.S. Department of the Interior. Through an agreement signed by the D.C. Government and the National Park Service, jurisdiction over the roadside parks was transferred to the District Government except for certain parklands which serve primarily a national function. For example, on Capitol Hill some roadside parks located in residential sections near the Capitol grounds are still maintained by the National Park Service (including farther out Lincoln Park, on East Capitol Street between 11th street and

13th Street). This statement concerns only those parks under the jurisdiction of the D.C. Government.

During FY 1970, the National Park Service received $6.5 million from the D.C. budget to operate and maintain the citywide park system, excluding recreation areas. Since that time, funds to operate city park sites have dwindled to $1.5 million, the amount included in the FY 1985 D.C. budget.

Years of Neglect

Since the D.C. Government assumed responsibility for the city's park system, deterioration set in to the point where today, maintenance activity is almost non-existent:

o Of the 38 permanent positions allocated to the Roadside and Parks Maintenance Division (33 of these positions are reportedly filled), 24 positions are occupied by persons who actually perform maintenance work in the parks.[1] Only one crew composed of three persons, plus equipment, is assigned to each of the city's eight wards to mow grass, remove trash, and perform other maintenance work. These eight crews must not only tend the parks but are also responsible for upkeep along the city's major arteries, such as Suitland Parkway, East-West Highway, RTs. 295, 95, and 395.

o As recently as three years ago, the parks were mowed at least once every two weeks during the season. Now, this basic maintenance service is irregular and as infrequent as once every two months. Last summer, many of the parks on Capitol Hill were not mowed between mid-May and Mid-July, 1983. The Capitol Hill Restoration Society has color photographs of several sites that graphically display the jungle-like results of this neglect.

o It is common knowledge that the deterioration in maintenance is due in part to the fact that maintenance workers are often pulled off the job to answer special requests made by the Mayor's Office or City Council members who want a particular alley cleaned up or trash removed from a particular park site -- worthy causes, to be sure, but because of inadequate resources, the effect is to short-change other areas and disrupt the mowing cycle.

---

[1] The Roadside and Parks Maintenance Division is a division of the Public Space Management Administration, Department of Public Works.

o Because of the failure of the D.C. Goverment over the years to provide other maintenance services on a regular basis -- trimming of shrubbery and hedges, weeding, litter and trash pick-up, etc. -- vines, weeds, bottles, cans, and other debris have over time strangled and killed decades-old planting which therefore has had to be removed.

o Not only has the city failed to devote the attention and resources necessary to preserve the parkland inherited with Home Rule, there is no capital improvement program to selectively replace plant material that dies.

o For the past several years the city has promoted an "Adopt-a-Park" program under which residents and commerical establishments have assumed the responsibility to maintain individual park sites on Capitol Hill and in other areas of Washington. In an otherwise bleak picture, this is the one ingredient that has kept at least some of the roadside parks from going to ruin. But there is a negative side to the story. Ideally, this citizens' program should have freed up city resources to improve maintenance in parks not adopted by residents. But the opposite has occured: the other parks have gone from bad to worse.

o Despite the prolonged neglect, the FY 1985 D.C. budget request would further reduce the number of positions assigned to roadside and parks maintenance by two positions -- from 38 postions in FY 1984 to 36 positions in FY 1985. This represents a reduction of four positions since FY 1983.

True, the FY 1985 appropriation would rise in real terms by $248,000 under a plan to utilize 75 prison inmates for roadside maintenance under a work release program.[2] According to the D.C. budget justification, this program was to start this fiscal year on a pilot basis -- but we have seen no trace of the inmates. In discussing the parks situation with us, city park staff made no mention of the program. Moreover, since the budget request contains no increase for additional equipment, it can be assumed that most inmates, whenever available, will not be assigned to maintain and improve the parks but rather to clear litter and pick up trash along the roads ("roadside maintenance").

---

[2] The total net increase projected for roadside and parks maintenance in FY 1985 is $586,000. However, the total includes a transfer of $265,000 for treeplanting, formerly financed in the capital budget, and smaller amounts for vehicle replacement and supplies.

Recommendations

We understand the budget constraints. Moreover, we would certainly not suggest shifting funds from one related activity, such as tree maintenance and street tree-planting, to upgrade the parks. But something must be wrong when residents of this community, who already bear a very high tax burden, are being made to shoulder a tax increase this year with no real prospect of improved maintenance for the parks in their neighborhoods after years of worsening neglect. This is a basic city service that deserves more serious attention. D.C. budget documents state boldly that in the future mowing will occur every 10 days. But that has to be considered a pipe-dream under current conditions. Park supervisors are quite candid about it. And it's not their fault -- the responsibility for the deterioration of the city's parks lies further up the line.

The Capitol Hill Restoration Society urges the Subcommittee to direct the D.C. Government to develop and implement a plan that will reverse the long downward trend. Specifically, this plan should set goals for bringing park sites up to an acceptable level of maintenance, determine the resources needed to meet these standards, and devise methods to bring the resources to bear on the problem. At a minimum, this plan must commit the Department to mow the grass regularly once every two weeks so that at the very least, our neighborhood parks will no longer be the appalling eyesore that they are today. Second, the parks must be cleared of debris on a regular basis. And third, trimming and other routine services such as application of a weed killer and mulching, must be scheduled at least once per year, and trimming preferably twice at some sites.

This is a rock-bottom maintenance program, well below the norm in many towns and cities, but still far above present-day expectations in the

District of Columbia, the nation's Capital. Notice what this program still lacks: no new planting of flowers and shrubbery; no replacement of planting that the city through its neglect has allowed to die; no fertilizing; no new sod where the grass has disappeared. We hope these additional steps can be planned for later, once basic maintenance is restored to the parks.

We hope also that D.C. Government officials will apply some creative thinking to produce the needed seasonal resources to do the job. Private contracting should be considered. The summer jobs program could set aside slots for park maintenance. It may also be possible to utilize other city workers intermittently to meet the seasonal needs of the parks. In the end, it is impossible to believe that in a budget this large and growing at a fast pace -- over $2 billion in FY 1985 -- a relatively small amount cannot be found to adequately maintain the city's neighborhood parks. Parks are a highly visible, common resource. They can add immeasurably to the quality of city life -- or detract from it. The choice is ours.

GLENBERRY CORP.

STATEMENT OF JOSEPH BATLEMAN, PRESIDENT

Senator SPECTER. Next I call on Mr. Joseph Batleman, president of the Glenberry Corp.

Mr. BATLEMAN. Good morning, Senator.

Senator SPECTER. Welcome, Mr. Batleman.

Mr. BATLEMAN. On my left is David Sherman, the secretary-treasurer of Glenberry, and Harold Balentine is on my right. He is the consultant for the corporation.

Our attorney, Jim Savitz of the firm of Gimmel, Weiman & Savitz, was supposed to be with us here this morning. However, due to some scheduling difficulty, he was unable to make it. However, he asked me to make a statement that he would welcome the opportunity to provide for the record any supplemental written testimony, technical or legal, as it pertains to this office.

Now, he has testimony here that he was going to read, and in his absence I was going to read it, but it is six or seven pages, and I have condensed it, and I would like to include it in my opening remarks, if I may.

Senator SPECTER. You have 5 minutes.

Mr. BATLEMAN. Yes, sir.

I am here representing Glenberry Corp., and a number of tenants who attempted to exercise their rights under D.C. Law 3-86. The Glenberry Corp. became involved with the initial tenant in April 1981 and subsequently a number of other tenants, approximately a dozen.

These tenants attempted to exercise their right of first refusal pursuant to the subject law. To make sure we did the right of refusal correctly, we immediately called upon the Department of Housing of the District of Columbia to guide and direct our actions.

With their help and in complete conformity with the law, we submitted contracts on behalf of the tenants. The sellers of the property refused to comply with the law. Because of the sellers' breach of the law, we brought complaints to the Department of Housing of the District of Columbia to enforce the law 3–86. That Department investigated these complaints and determined that, indeed, the law was violated, and sent the case to Corporation Counsel's Office.

However, Corporation Counsel's Office failed to act. Despite their failures to act promptly, we continued to supply them with conclusive evidence of violation of the law 3–86.

Many months elapsed, and despite our monthly inquiries, no action was taken. We took the case to the office of John Ray, City Council member. No action was taken despite obvious violations of the law. We consulted with the Office of the Mayor of the District of Columbia, Mayor Barry, but no action was taken despite——

Senator SPECTER. Mr. Batleman, what is your essential concern?

Mr. BATLEMAN. We would like the law enforced. We have complied with the law. Everything we did was under the supervision and guidance of the Department of Housing. We found violations of the law by other parties. We reported it to the Department of the Housing. They reported it to Corporation Counsel, and nothing happened.

Senator SPECTER. Well, what would you like this subcommittee to do?

Mr. BATLEMAN. Well, if I could just finish reading this, it is very short. I come to that part at the end.

We have appealed to the Department of Housing, the Department of Consumers Regulatory Affairs, Corporation Counsel's Office, members of the City Council, Office of the Mayor, Washington, D.C.

The tenants have now exhausted all possible avenues with the D.C. government. They have no choice but to come to Congress due to the failure of every city agency to take action to enforce law 3–86. We feel this failure is so serious and grievous that Congress would desire to have this brought to their attention.

The D.C. government holds this law of the right of first refusal as a model law to other jurisdictions, as an example of their, the city government's, concern and sensitivity to their citizens' needs and rights. For the District of Columbia to put a law, such as 3–86, on the books, a law that kindles such hope and expectations, and then not enforce it is a cruel hoax on its own citizenry.

The Congress, by allowing the laws to take effect, actually becomes an unwitting participant in this deception. It is essential if this law is not going to be enforced that Congress take the necessary action to disapprove of the law when it comes before it for review. However, we feel it would be most appropriate for the Congress to exercise its authority and influence to ensure that this beneficial law be enforced, hopefully when the Department of Housing or the Corporation Counsel comes before you, and you may question them on this.

Senator SPECTER. What precisely happened that you think is illegal?

Mr. BATLEMAN. Well, we put in contracts to buy these properties with the tenants. The law allows the tenant to seek third party help, be it a mortgage, a bank, anything. The law does not specify. There is a very large management company that controls these buildings, and it is a large number of buildings. I think it is 80 or 90 buildings, whatever it is, all four-unit buildings. Suddenly the four-unit buildings in the District of Columbia become what would be a hot real estate item because the four units do not fall under rent control and everybody wants to buy them.

The owners of these properties is an estate, out-of-town owners. One lives in Cincinnati and one lives in Atlanta, Ga. We submitted contracts to their attorney, and the properties that were on the market were withdrawn, but the illegality of it is this. When we submit a contract on a property as a third party, they had another company set up called Beck Co. The owners of Beck Co. are a first cousin of the management company that manage these kinds of units. They are selling these properties at a very low price, very attractive to the tenant, but they do not want anyone else to buy them.

So when we submit a contract, they go get another tenant and use him as a buffer between themselves and Glenberry and their tenants, and announce to us, "I am sorry. We cannot sell it to you and your tenants. We have a previous contract with another tenant."

As soon as it is deeded to that tenant, at the same moment, and the deeds are all in here, that tenant deeds it to the Beck Co. without giving the 120-day notice for the first right of refusal to the next buyer.

Senator SPECTER. Did you file any private lawsuit on this matter?

Mr. BATLEMAN. No, sir.

Senator SPECTER. OK, Mr. Batleman, I think I understand your issue, and we will consider it.

Mr. BATLEMAN. Thank you.

Senator SPECTER. Thank you very much.

[The statement of Mr. Savitz follows:]

STATEMENT OF JAMES E. SAVITZ, REPRESENTATIVE FOR GLENBERRY CORP.

Mr. Chairman and members of the Committee, my name is James E. Savitz, and I am an attorney with the law firm of Gimmel, Weiman & Savitz, P.A. I am here representing Glenberry Corporation and a number of District of Columbia residents who have attempted to exercise their rights under D.C. Law 3-86 (The Rental Housing Conversion and Sales Act of 1980), hereinafter referred to as "The Act". Attached hereto as Exhibit No. 1 is a copy of "The Act". These parties are seriously aggrieved because of the District of Columbia's failure to enforce the provisions of its law which were implemented to afford residents of the District of Columbia the opportunity to purchase the properties in which they reside.

I am accompanied today by Joseph L. Batleman, President of Glenberry Corporation, David Sherman, Secretary/Treasurer for Glenberry Corporation, and Harold Valentine, an independent consultant for the tenant purchasers and the third party purchasers under the subject law.

I am appearing before this Committee today in order to submit our testimony for the Congressional Record. We believe that it is essential to bring to the attention of this Committee the injustices occasioned by the failure of the District of Columbia to enforce the subject law. I first became involved with this case as a result of a letter dated April 8, 1981 advising a tenant in the District of Columbia of the right of first refusal pursuant to The Act. Pursuant to that letter to Ms. D. Marie Patterson and a number of similar letters sent to tenants in properties owned by the heirs of the estates of Leon O. and Beatrice W. Oppenheimer, we attempted to exercise on behalf of certain tenants their right of first refusal pursuant to the subject law.

In order to ensure the success of the exercise of the right of first refusal, we immediately consulted with the District of Columbia Department of Housing, Regulatory Affairs , Office. Pursuant to the information obtained from that office, and in complete conformity with the copies of the subject law with which we were provided by that office, offers were submitted on behalf of approximately thirteen (13) tenants. The representatives of the sellers systematically, and intentionally frustrated the efforts of the tenants to purchase their residences, and, in fact, simply refused to comply with the law.

In response to the overt failure to allow tenants to purchase the properties (in contravention of the law), we sought the assistance of the District of Columbia Government. Initially, a complaint with the Department of Housing was pursued, and the Corporation Counsel's Office of the Department of Housing was brought in to examine inforcement possibilities. The Corporation Counsel's response to this case was that the law was never intended to be inforced to assist the tenants in purchasing the properties. The Act was merely intended to keep the tenants from being displaced according to the Corporation Counsel's Office. However, the law specifically provides in Section 408 that ". . . a tenant or tenant organization shall also have the right of first refusal. . . to purchase . . . . ." the property if an offer has been received by the seller to purchase the property from an outside prospective purchaser. This right may first be exercised by an organization of the tenants of a building, and if not so exercised, by any one or, more of the individual tenants. See Exhibit No. 1.

A second attorney from the Corporation Counsel's Office subsequently advised that there was nothing which the Office could do, because the law provided no penalties for enforcement. Section 45-1660 of the law provides for specific and serious penalties in the event of a violation of the law.

Despite the refusal of the Corporation Counsel of the Department of Housing to act, in July 1982, the Regulatory Division of the Department of Housing submitted the case to the District of Columbia Corporation Counsel's office for criminal action and enforcement. Over six (6) months elapsed, and during that time no action was taken by any member of the Corporation Counsel's Office despite repeated telephone calls and personal visits by Tenants or their representatives to attempt to obtain action.

In an effort to assist the Corporation Counsel's Office and to expedite this matter, evidence was gathered, and affidavits were prepared and delivered to the Corporation Counsel's Office The Affidavits specified exactly the violations of the laws, and included certified copies of exhibits necessary to prove the violations. Attached hereto as Exhibits No. 2, 3 and 4 are copies of the Affidavits of B. Marie Patterson, Edith Jacobs, and Margaret Carrow, respectively, which were provided to the Corporation Counsel's Office.

Six (6) months later, we were informed that the Corporation Counsel's Office had not yet assigned this matter a case number, and had not even looked at the affidavits. During the course of this case there have been at least three different attorneys within the Corporation Counsel's Office assigned to work on this matter (according to information given to us by that office), yet no action has ever been taken.

In April, 1983, Harold Valentine was brought in as a consultant to attempt to elicit action from the District of Columbia to assist the tenants. Mr. Valentine met with an attorney in the Criminal Enforcement Division of the Corporation Council's Office, and was assured that the case would be acted upon within sixty (60) days. Mr. Valentine was also advised that the amendments to The Act were before the City Council, and that any concerns should be addressed at the Public Hearing to be held. Mr. Valentine met with City Councilman John Ray, to attempt to get the Corporation Counsel to act. Despite reassurances that action would be taken, consistent with prior experience, no additional action was taken.

Subsequently, the Regulatory Affairs Department of the Department of Housing was merged with a new agency of the City Government entitled The Consumer and Regulatory Affairs Department, under the direction of Ms. Carol Thompson. Ms. Thompson's office received a report from the Criminal Division of the Corporation Counsel's Office and was told to review this case. Six (6) months elapsed thereafter without any additional response or action.

We then consulted with the office of Mayor Marion Barry Jr., to try to expedite the case, or, simply to get any action from the District of Columbia Government. On October 24, 1983 Mayor Barry responded by saying that "this case is not appropriate for criminal prosecution". Mayor Barry's statement ignores the fact that the law was clearly and specifically violated.

The tenants, along with the third party purchasers with which we are involved, have exhausted all possible avenues within the District of Columbia Government. They fail to understand how the city can ignore a law for which D.C. is so proud, and for which D.C. has allegedly established a commendable reputation. In pursuing our specific case, it has come to our attention that the law is seldom, if ever enforced. To the best of our information, although penalties are articulated within the law, none have ever been assessed.

We have worked with all necessary, appropriate, and customary channels, including but not limited to the District of Columbia Regulatory Agencies, Enforcement Agencies, Legislative Offices, and the Executive Office of the District of Columbia. All of these efforts have been fruitless, despite clear violations of the law. Attached hereto as Exhibit No. 5 is a brief chronology of events related to this case.

This has left us no alternative but to bring these failures to the attention of the appropriate bodies of Congress. Only because of the failure of every city agency to take action have we been required to come to Congress. It is clear that the City should be handling this type of problem on its own. The City should enforce the laws which are purportedly designed to protect their citizens.

The failure to do so is a serious and grievous enough breach of the public trust that we feel Congress would desire to have this brought to its attention. The District of Columbia holds The Act as a model to other jurisdictions, and as an example to its citizens of the concern of the District of Columbia. However, because of the apparently conscious decision of the District of Columbia to refrain from enforcing this law, the law perpetuates nothing but a deception and a fraud upon the citizens of the District of Columbia. Part of the budget requests which are before this Committee are intended for agencies charged with the responsibilities of enforcing The Act. If the funds are not to be spent for the purpose for which they are appropriated, the funds should not be appropriated at all.

The Congress, by allowing these laws to take effect, becomes an unwitting participant in this deception. In bringing this to your attention, we urge that you assist the citizens and residents of the District of Columbia in obtaining enforcement of The Act. If the law is not going to be enforced, it is important that Congress take action to disapprove of the law when it comes before it for review.

[CLERK'S NOTE.—Exhibits Nos. 1 through 5, letters, affidavits, and deeds referred to in Mr. Savitz' statement are available for review in the subcommittee files.]

PANEL OF CONCERNED CITIZENS

STATEMENTS OF MS. L. LEN AND JOHN IMMER

Senator SPECTER. I would like to now call on Ms. Len and Mr. John Immer.

Ms. LEN. Good morning, Mr. Specter.

Senator SPECTER. Good morning.

Ms. LEN. Would you be so kind as to permit Mr. Immer to go first, please?

Senator SPECTER. Mr. Immer.

Mr. IMMER. Mr. Chairman, I am John Immer of 1638 19th Street, NW. I am appearing before the committee as an individual representing no organization. My appearance was initiated by the Republicans for a Better D.C., which earlier this year became concerned about the fire department. The primary election resulting in the interim had resulted in the coalescing of the two slates. This reorganization will not be completed in time to permit a position paper to be considered and voted upon by the reconstituted Republican Party of the District of Columbia.

As a former president of the D.C. Federation of Citizen Associations, I have testified many times before this and other congressional committees on matters relating to the District. The functions of the fire and police departments, however, lie more within my area of professional expertise than other departments of the city. I am a former professor of business administration of the American University, and have been a management consultant for over 30 years.

This period has been devoted to the analysis of various types of organizations. I have written a number of books in this area, including one published this year which included a chapter on safety and safety programs.

INDICATION OF MANAGEMENT PROBLEMS

When a consultant begins an analysis of an organization, there are certain things he looks for as indicators of basic defects in the system and its administration. Some of these are morale of the personnel, satisfaction with promotion policies, amount of overtime, state of maintenance, buildings and equipment, supply and purchasing policies, and the repetition of repair orders, adequacy of control and inspection procedures, adherence to professionally accepted standards.

On April 2, the Republicans for a Better D.C. asked Senator Specter for the investigation of the financial and operational management of the District of Columbia Fire Department. This request was supported by 20 exhibits. The reply of the fire chief later in the month indicated that he did not understand the nature of these charges.

An example of Engine House No. 20 is a good case in point. A survey by the D.C. Office of Occupational Safety and Health revealed a number of serious safety and health hazards, some of them going back for decades. The D.C. Health Office found dozens of violations. These were never corrected.

What about the earlier annual inspections? Were these conditions noted? Why was no action taken? Are the other inspection procedures of the department so derelict and so incapable of producing results?

This creates real doubt as to the adequacy of the inspection procedures for the entire department.

SUMMARY OF COMPLAINTS

I will leave to other citizen groups the task of presenting specific complaints of the D.C. Fire Department. I will consider them primarily as evidence of the administrative capability of the department. When these administrative deficiencies result in inadequate protection for the District and higher cost for the amount of protection received, then they become a direct responsibility of this committee.

In this connection, I wish to make five major points. They are: One, manpower. We have fewer firemen on fire suppressive duty than we had 15 years ago. In the meantime, we have more visitors to the District and more highrise office buildings with computer equipment, more combustible chemicals which are found in residents which increase the hazards of noxious gases.

When the fire chief makes the proposal of decreasing the number of firemen by 200, it creates real doubts of the chief's professional responsibility.

Two, policy of promotions. Good administration requires universally accepted standards of promotion. Through decades of tradition, these have been based on examinations, experience, and ability, pulling from the top grades. Now these standards have been replaced by racial and political considerations. This will result in a lower quality of leadership and a deterioration of morale within the department. This has already occurred.

Three, outside audit and inventory needed. The only way you will get any improvement in the business practices of the department will be by outside auditing or consulting companies. Present purchasing policies are wasteful. The main consideration in purchasing chemicals or cleaning materials is the quantity bought at one time. The department does not have the procedures, budgeted funds, or the storage capability to get the lowest prices.

When firemen are deprived of showers for over 10 years and faulty plumbing, including leaking commodes which remain unfixed year after year, you know that procedures and inspections are faulty.

Where there is such gross incompetency in this area, you then look hard at the effectiveness of other procedures and control mechanisms of the department.

Four, administrative breakdowns.

Senator SPECTER. Mr. Immer, are you about concluded?

Mr. IMMER. Yes; I can very quickly.

I wanted to mention administrative breakdown, and I will go down to my last point, which is five, Congress must reassume direct financial control over the police and fire department.

At this point you must ask yourself: What is the responsibility of this committee for the safety and health of the District of Columbia? The other question is: Do you have any reason to believe that the D.C. Fire Department or the D.C. government are likely to take the necessary remedial measures within the next fiscal year?

You must bear in mind that the only reason given so far by the fire chief for reducing the manpower by 200 positions was that the Mayor asked him to do so. This indicates clearly that there was no thinking within the Mayor's office to upgrade the facilities for fire and police protection in the District.

Unless the committee intervenes directly, there will be no revised systems of control, no application of computer techniques which all industry and offices are using today, and only a continued deterioration of protection in the Nation's Capital.

Thank you.

Senator SPECTER. Thank you very much.

[The statement of Mr. Immer follows:]

STATEMENT OF JOHN R. IMMER

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I am John R. Immer of 1638 19th. St., N.W. I am appearing before the committee as an individual representing no organization. My appearance was initiated by the Republicans for a Better D.C. which earlier this year became concerned about the fire department. The primary election occuring in the interim has resulted in a coalescing of the two slates. This reorganization will not be completed in time to permit a position paper to be considered and voted upon by the reconstituted Republican Party of the District of Columbia.

As a former president of the D.C. Federation of Citizens Associations I have testified many times before this and other congressional committees on matters relating to the District. Functions of the Fire and Police Departments, however, lie more within my area of professional expertise than other departments of the city. I am a former professor of business administration at the American University and have been a management consultant for over 30 years. This period has been devoted to the analysis of various types of organizations. I have written a number of books in this area including one published this year which included a chapter on safety and safety programs.

Indications of Management Problems

When a consultant begins an analysis of an organization there are certain things he looks for as indicators of basic defects in the system and its administration. Some of these are:

1. Morale of the personnel.
2. Satisfaction with promotion policies.
3. Amount of overtime.
4. State of maintenance, buildings and equipment.
5. Supply and purchasing policies and repetition of repair orders.
6. Adequacy of control and inspection procedures.
7. Adherence to professionally accepted standards.

Request for Investigation of Fire Department

On April 2 last the Republicans for a Better D.C. asked Senator Spector for an investigation of the financial and operational management of the District of Columbia Fire Department. This request was supported by 20 exhibits. The reply of the Fire Chief later in the month indicated that he did not understand the nature of those charges.

The example of Engine House No. 20 is a good case in point. A survey by the

D.C. Office of Occupational Safety and Health revealed a number of serious safety and health hazards, some of these going back for decades. The D.C. Health Office found dozens of violations. These were never corrected. What about the earlier annual inspections? Were these conditions noted? Why was no action taken? Are the other inspection procedures of the department so derelict and so incapable of producing results? This creates real doubt as to the adequacy of the inspection procedures for the entire department.

Summary of Complaints

I will leave to other citizen groups the task of presenting specific complaints of the D.C. Fire Department. I will consider them primarily as evidence of the administrative capability of the Department. When these administrative deficiencies result in inadequate protection for the District and higher costs for the amount of protection received then they become a direct responsibility of this committee.

In this connection I wish to make five major points. They are:

1. Manpower. We have fewer firemen on fire suppressive duty than we had 15 years ago. In the meantime we have more visitors to the District and more high-rise office buildings with computer equipment. More combustible chemicals are found in residences which increase the hazards of noxious gasses. When the Fire Chief makes a proposal of decreasing the number of firemen by 200 it creates real doubts of the chief's professional responsibility.

2. Policy of Promotions. Good administration requires universally accepted standards of promotion. Through decades of tradition these have been based on examinations, experience and ability pulling from the top grades. Now these standards have been replaced by racial and political considerations. This will result in a lower quality of leadership and a deterioration of morale within the department. This has already occurred.

3. Outside Audit and Inventory Needed. The only way you will get any improvement in the business practices of the department will be by outside auditing or consulting companies. Present purchasing policies are wasteful. The main consideration in purchasing chemicals or cleaning materials is the quantity bought at one time. The department does not have the procedures, budgeted funds or the storage capability to get the lowest prices. When firemen are deprived of showers for over 10 years and faulty plumbing (including leaking commodes) remains unfixed year after year, you know that procedures and inspections are faulty. Where there is such gross incompetency in this area you then look hard at the effectiveness of other procedures and control mechanisms of the department.

4. Administrative Breakdown. It is believed that the conditions found at Engine House No. 20 are as bad in at least seven other engin houses. The scheduled inspection for 1984 has been dropped entirely due to a lack of funds. The fact that these conditions have been allowed to continue year after year reveals inadequate inspection procedures and a policy of the city government of starving the fire fighting facilities of the city.

5. Congress Must Re-Assume Direct Financial Control Over the Fire and Police Departments. At this point you must ask yourself: What is the responsibility of this Committee for the safety and health of the District of Columbia? The other question is: Do you have any reason to believe that the D.C. Fire Department or the District of Columbia government are likely to take the necessary remedial measures within the next fiscal year? You must bear in mind that the only reason given so far by the Fire Chief for reducing the manpower by 200 positions was that the may asked him to do so. This indicates clearly that there is no thinking within the mayor's office to upgrade the facilities for fire and police protection in the District.

The responsibility of this Committee is not only to the citizens of the District but to the federal employees and the visitors to the nation's capital. An increase in office buildings, changing materials used in both new construction and remodeling of old houses which create new fire hazards and greater responsibility for the visitors which constitute the voters of this nation all demand increased levels of fire and police protection. Unless the Committee intervenes directly there will be no re vised systems of control, no application of the computer techniques which all industry and offices are using today and only a continued deterioration of protection in the nation's capital.

##################

Attachments:

ltr of April 2, 1984 from Republicans for a Better D.C.

ltr of Fire Chief Coleman, April 18, 1984

Letter From Edward Weidenfeld and Maxine W. Snowden, Republicans for a Better D.C.

April 2, 1984

Hon. Arlen Specter, Chairman
Sub-Committee on D.C. Appropriations
United States Senate
Washington, D.C. 20510

Re: Request for Investigation
of D.C. Fire Department

Dear Mr. Chairman:

This is a request for an Appropriations Committee investigation of the financial and operational management of the District of Columbia Fire Department. Present practices of the Fire Department constitute a danger to the lives of the firemen, residents of the District and even the President of the United States.

Complaints of firemen, the local firemen's union, administrative reports within the department and eye-witness accounts of local citizens indicate that the Department is administratively incapable of providing the fire and rescue protection required by law. Political patronage has replaced former advancement practices based on experience, examination and ability.

The following are some of the specific complaints which have been noted:

* 30 D.C. residents have died in fires since late October. The is almost twice the rate for the entire prior year.
* Appropriated funds earmarked for a rescue squad diverted to other uses.
* In many firehouses firemen cannot take showers and faulty plumbing has gone for years without correction.
* Fire Chief tried to cut 200 firemen from an already undermanned force.
* Only one safety officer for the entire department.
* Undermanning. If a rescue unit is called out, the fire engine is left unmanned and an engine must be called from another stationhouse.
* No evaluation of the department since 1963. Meanwhile standards deteriorate.

The above and many other deficiencies which are a matter of record indicate that:

* There is an administrative break-down in the department which threatens life and property in the District of Columbia.
* Maintenance procedures need to be modernized. Thay are now expensive and erratic. Firemen must request repairs year after year.
* Training requirements must be increased. There must be more exercises and drills for both fire and rescue operations. The rescue squad to protect the President has never had a drill in helicopter operations and does not have an entry capability in case of accident.
* There is a need for a proper professional evaluation of the Department.

This request for an investigation of the Fire Department is based upon a considerable amount of work by local citizen's groups for several years. It is a matter that affects the lives and safety of all people living or employed in the District of Columbia.

Copies of this letter have been provided for the Chairman, Sub-Committee on Appropriations of the House of Representatives, the mayor of the District, the chairman of the Judiciary Committee of the District Council, the chief of the fire department and presidents of the local firemen's unions.

Respectively yours,

Edward Weidenfeld
National Committeeman

Maxine W. Snowden
National Committeewoman

LETTER FROM T. R. COLEMAN, FIRE CHIEF, DISTRICT OF COLUMBIA FIRE DEPARTMENT

Honorable Arlen Specter
Chairman
Subcommittee on D.C. Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Specter:

I have received your letter dated April 5, 1984, in reference to allegations by the Republicans for a Better D.C., concerning the management and apparatus available to this Department. As a matter of information, I wish to bring you up-to-date on some of the conditions referred to.

The District is experiencing a period of increased fire deaths which, compared to the last two years, appears inordinately high. However, fire deaths are cyclical and when compared to the past ten years, the increase is not as dramatic. Also, we have experienced one unusually high multiple death fire. In recognition of the increase in fire deaths I have initiated three (3) programs which hopefully will have a positive impact. Widespread publicity will be given to a Home Inspection Program, a Smoke Detector Program, and a Public Fire Safety Education Program.

With regards to the rescue squads, there was some delay caused by existing vacancies within the Department and the difficulty and time experienced in attempting to fill them. However, please note that all four (4) rescue squads are now fully manned and in full service as separate companies.

Adjustments to the capital improvements budget have caused a delay in the replacement of some of the firehouses which has, in turn, resulted in some difficulty in providing repairs to those houses. This need is recognized and is receiving top priority. The repairs to Engine Company No. 20 located at 4300 Wisconsin Avenue, N.E., are currently in progress.

My recommendation to reduce the level of manning of companies was made after careful deliberation, and my sincere belief that overall efficiency will not be compromised. This course of action was a necessary management decision.

There is only one person designated as Safety Officer; however, this should not be considered a lack of concern for the safety of Firefighters. All officers in the Department are responsible for the safety of those under their supervision, and the Department Safety Officer is responsible for administrative functions and the development of broad safety awareness programs. He is also provided assistance by the staff of the Training Academy.

I assume that the evaluation of the Department in 1963, referred to in Mr. Weidenfield's letter, was the one conducted by the National Board of Fire Underwriters. This service is no longer provided.

The reference to an administrative breakdown needs to be much more specific and is far too general for me to respond.

The need for training is recognized and I have increased the requirements for drill. Not only have the drill periods been increased to two hours but evening drills have been reinstituted. In addition, those companies which house foam equipment and respond for helicopter movements at the White House are currently undergoing flammable liquid fire extinguishment training.

I trust that you will find this response informative and please rest assured that I stand prepared to fully cooperate with any investigation of my Department which may ensue.

Sincerely,

T. R. Coleman
Fire Chief

STATEMENT OF MS. LEN

Senator SPECTER. Ms. Len, since Mr. Immer took all of the time, we will give you 5 additional minutes.

Ms. LEN. Thank you. Ms. Hlebanja's statement will go in then. I will not read hers, and Ms. Frazier's. I will not read hers. One is in the hospital and the other is on emergency leave.

Senator Specter, I want to personally thank you for what you did and how you helped out to take an interest in the fire department. Thank you again and again for your continued attention to the D.C. firefighters of our Nation's Capital, which by the way, being a Federal city, you have every right to intercede for a vocal concern regarding the treatment of your and our lifelines: firemen and policemen.

Also, thanks to your aide. He is superb.

Plato many centuries ago said: "Wise man who does not rise up and take part in the affairs of his government will be ruled by unwise man." A more comprehensive document will be submitted to you for the record in time.

According to the April 1984 roster, this spring the fire fighting division has 90 vacancies. The chief testified 75 before the House 2 weeks ago. Plus, the Hill does not realize that if a firefighter has been away from his post for 60 days, away from his battalion, that means that they are down. So there are 61 firefighters who have been away from the fire fighting division. So we have 151 firefighters down.

I will skip some.

The concern on the House side was with the overtime. To fully man 24 hours a day 33 engine companies, including the boat, at five firefighters for the engine, 17 truck companies at six, 4 rescue squads at five, and the other special units that they have, it really mounts up to some total that must be reinstated. The following are up in the air, pending situations that you will hear more upon soon.

No. 1—now, these are rumors—to merge the police corrections and fire training schools under one administration, a law enforcing person perhaps.

No. 2, apparatus and communications to merge with the police department.

No. 3, in the past I have brought you the fact that the fire department has not had scheduled lunch breaks, but I believe that the civilian personnel are negotiating with the CWA now, the communications workers, for this.

No. 4, this is something else that you folks do not realize. Every 4 years a firefighter puts in a total of 5 years of work. The 5th year he does not get paid for because he is not on a 40-hour week. He is on a 48. The police are on 40 hours. It is hoped that some day Congress will take, very quickly rather, a look at this and see if we cannot bring the firefighters in line. The cop-out answer was, and I call it a sin, city hall said, "Well, they get to sleep at night." I think that is a fringe benefit. If they do have time to sleep, it is due to the most hazardous occupation in the United States.

Also, they want to reduce the battalion chief's schedule and the deputy fire chief's schedule to the extent that captains will be in charge of the fire ground, and if they do that there are many times that a captain is not present because acting sergeants even—can you imagine a fire ground with an acting sergeant who has maybe had 4 years of experience? We want them to put back the 4 years that they are taking off between being a sergeant and a battalion fire chief. They are supposed to serve 2 years in between each, and they are cutting it back to 1 year.

Physical fitness program, everywhere I go they are crying for physical fitness programs. Other places have it, other jurisdictions.

Ear protectors, boots: From the ankle up the insulation is all right. From the ankle down, jersey lining in rubber boots. Masks with radios——

Senator SPECTER. Are you about finished, Ms. Len?

Ms. LEN. Yes; I have 1 minute.

Retrain, retrain, retrain more at the training school. They are not getting back to the training school to retrain. It takes about 10 weeks for the whole department to go through.

The station house repairs and supplies need to be upgraded 95 percent.

Senator SPECTER. Ms. Len, you are going over your prepared statement, and we have it, and we will consider it very carefully.

Ms. LEN. I am not going over the third page, It is just the second. That is what was submitted.

Senator SPECTER. Thank you very much.

Ms. LEN. Thank you, Senator Specter.

Senator SPECTER. We appreciate your coming.

[The statements of Ms. Len, Ms. Hlebanja, and Ms. Frazier follow:]

STATEMENT OF MRS. L. LEN

To the United States of America Congress
Senator A. Specter and Representative Julian Dixon

May 25 1984

Gentlemen Thank you again and again for your continued attention to the D.C. FIRE FIGHTERS of our nations Capitol — which by the way being a Federal City, you have the ever RIGHT to intercede for a local concern regarding the treatment of your and our LIFELINES! FIREMEN and POLICEMAN. & [illegible] thank you also — Both are superb!

Plato, many centuries ago said, "Wise man who does not rise up and take part in the affairs of his government will be ruled by unwise man."

A more comprehensive document will be submitted to you for the record in time — before the close of filing date.

According to the April 1984 Roster document of the D.C. F.D. — — the Fire Fighting division has 90 (not 25) vacancies + there are 61 F.F. who have been away for 60 days or more (detailed and/or off duty) which means currently they are 151 F.F. DOWN plus 95 should be added that has been pending for 2 years since the annual leave time (long past due) was finally extended: meaning we truly need 249 — say 250 more Fire Fighters on board before the Over Time can be 95% curtailed. Also the general health of the Fire Fighters would be much better — STRESS would be less, and families happier. Chair Dixon is on target with his O.T. questioning but needs more information to finalize a firm stand and/or decision. This is to fully man 24 hours a day 33 E (inc' Fire Boat) at 5 FF

17 T at 6 FF

4 R S at 5 F F and the other Special units.

3-4 Fire Fighters are being terminated per month mostly for personal reasons — Resigning. So the F. Chief would have to add to his 95 by Oct. 206 more in 5 mos leaving — to 95
Remember when a Truck Co runs down: or an occasional instance of E Co going out — another Engine Co must be added to that "call" for what the Fire Service calls "MAN POWER" — which means if needed in his area — he not there — then the next closest F. Co. is detailed to the call. This contributes to heart and respiratory conditions — Earlier deaths →
FF life 10%+ less in years than any other occupation — most hazardous of all.
66 90
33 Cancer 3

The following are up in the air pending situations you will hear more upon soon! (some are rumors coming from reliable sources — even with a document supporting)

1. To merge the Police, Corrections and Fire Training Schools under ONE administration — a law Enforcing person perhaps.

2. Apperatus and Communication to merge with Police perhaps

3. In the past I have brought you the fact that the Fire Dept. has not had -Scheduled lunch breaks but I believe again this year the civilian personnel are negotiating with C.W.A. on this subject.

4. Every 4 years a FF puts in he is really working 5 years however not getting paid O.T. for the 5th year accumulation – not on 40 hour week like the police. FF works 48 which means every year they give 3 mos. work. This should be brought to a screeching halt NOW. Oh the cope out answer from the City Hall Bureaucrats is a Sin.

5. Reduce the Batt. Chiefs Schedule and Dep. F.C. Schedule to the extent that we could have Eng. Co. Captains controlling the Fire ground. In lots of cases this could be alright but in too many cases not so! As sometimes now even Acting Sergeants are in charge.

6. Cut off 4 years of FF. experience between Sgt + B.F.C. Qualified B.F.C. need those 4 years behind them to season well their attitude, self discipline and interpersonal relation experiences! — — all this adds up to a better rounded official to make sound decisions and well qualified judgements.

7. Physical Fitness Program   Beepers to help locate in Fire
Ear Protectors   Boots   Masks with radios   E.M.T. Cert.
Re Train more at Training School 2 times year – little air drills.

8. Station House repairs and supplies be up graded 95%.

From my heart I truly Thank you –

Please ask the D.C. Fire Chief any and/or all of the following questions – – – –
We give you herein only a few of the many we could or might pose.

① "MANPOWER" Are you still wanting to cut by 200 FFs in light of
A. Publicity in recent loss of life
B. Publicity in DOUBLE the property dollar ($) loss
C. Over Time still in high
D. Battalion Fire Chiefs aides needed
   1. On Fire ground in back of building to radio conditions out front
   2. To drive so the chief is eliminated from hazardous conditions of having to drive, to work the siren, and talk on radio all at once

② "HEARING DEVICE" to filter out the high decible range from air horn and sirens – – Have you considered issuing to all Fire fighters the item to offset this terrible occupational hazard to the inner ear?

③ "SAFETY DEVICE" which emits audible signal in case FF is trapped he can activate - - or if rendered unconscious and falls → the prone position automatically activates. The audible signal can lead to his rescue. Have you considered this for all FFighters (NYC is issuing 12,000 to their FF.)

④ OCCUPATIONAL HAZARDOUS STATION HOUSES; Of the D.C. 10 Health Inspectors reports filed by a citizen to us in 1982 - there are 4 Engine Co. yet need to be Rennovated (*not* cosmetic face lifting)

*1 E3 May Day condition still (Enforcement would condemn and close)
*3 E5 May Day condition (new roof plus FF painted some)(Enforcement would condemn and close)
E11 1984 replacing to new site
E12 1982 upon inspection Chair Dixon requested immediate attention (very poorly done)
*2 E16 MAY DAY condition still (Enforcement would condemn and close)
*4 E17 MAY DAY condition still (Enforcement would condemn and close)
E19 1984 a complete rennovation finishing (FF detailed elsewhere during)
NOT COMPLETE RENNOVATION
E20 1984 Occupational Safety Health found 42 violations (ONLY DC Health + OSH code being corrected)
E21 1983 Complete Rennovation (FF detailed elsewhere during)
NOT COMPLETE RENNOVATION
E26 1982 upon inspection Chair Dixon requested immediate attention (Ok condition well done)
*1,2,3,4 in this order should be expeditiously rennovated (men moved out during)

⑤ "MASKS": When will *all* fire fighters ever receive 1 HOUR masks?
⑥ "MASKS with RADIOS" *INSIDE*: Have you tested these yet?

STATEMENT OF CECILIA M. HLEBANJA

Mr. Chairman -

Subject: District of Columbia Residency Requirement for Firefighters and a Safe Environment for firefighter Employees According to the D.C. Personnel Act

1. "Residency requirements" for firefighters require that after 18 months and a firefighter is sworn in, he must become a resident of the District of Columbia. This is discriminatory against those professionals with high salaries who can live elsewhere. Also, anyone not intimidated and free to talk will confirm that the "residency" issue is 95% of the problem of securing highly qualified recruits.

2. On safe environment of firefighters, I want to call your attention to a health hazard - - lack of exhaust fans at fire-stations. Those which have them; very few are operable. (Perhaps ⅓)

Here is an experience, - - visiting a fire station in S. E. The fire apparatus rolled out, doors closing shortly thereafter and all the exhaust fumes trapped within the building to work its way into the sitting room, kitchen and up into the sleeping quarters, et cetera - - our eyes and throat smarted and burned, neither did we feel very good inhaling all these exhaust fumes.

Twenty-five minutes later the fire engines returned adding more blue haze and fumes to what still remained from when the engines pulled out.

Now, exhaust fumes in any form are hazardous to everyone - - wouldn't that apply to a firefighter as well? We all depend on them, so lets try and keep them healthy with a healthy environment in fire stations as well. Amen!

STATEMENT OF MRS. M. FRAZIER

To the U.S. Congress Senate & House May 25, 1984 Wednesday
Greetings Senator A. Specter and Representative J. Dixon

It seems that the D.C. government during its tax assessment sessions has a difficult time with the three areas of categorized revenues, namely: owners — non owners — and commercial.
Why do they, our elected officials fail to recognize that the Senior Citizens set income during their retirement years does not increase to keep up with the galloping leaps of living costs. Please try to suggest to the D.C. tax office that they offer some consideration our way.

Our organization, Public Interest, located immediately North East of Union Station, has adopted D.C. Fire Engine Company 3 to help it receive long overdue attention regarding the atrocious living quarters. The D.C. Health Inspector in 1982 found many violations of the D.C. Health Code. This report of Engine E3 along with 9 others was served, in the 1982 spring, upon the D.C. Fire Chief. The following shows the May 1984 status:

OCCUPATIONAL HAZARDOUS STATION HOUSES: Of the D.C. 10 Health Inspection reports filed by a citizen to the U.S. House D.C. Committee in 1982 — there are 4 Engine Co. that need to be Renovated (not cosmetic face lifting)

WHAT HAS HAPPENED TO THE D.C. ENFORCEMENT OF ITS OWN HEALTH CODE?

1. *1 E3 May Day condition still (Enforcement would condemn and close)
2. *3 E5 May Day condition (new roof plus ?? painted some) (Enforcement would condemn and close)
3. E11 1984 replacing to new site
4. E12 1982 upon inspection Chair Dixon requested immediate attention (very poorly done)
5. *2 E16 May Day condition still (Enforcement would condemn and close)
6. *4 E17 May Day condition still (Enforcement would condemn and close)
7. E19 1984 a complete renovation finishing (?? detailed elsewhere during)
8. E20 1984 not complete renovation Occupational Safety Health found 42 violation (only DC Health + OSH code being corrected)
9. E21 1983 Complete Renovation (?? detailed elsewhere during)
1 E26 1982 not complete renovation upon inspection Chair Dixon requested immediate attention (OK condition well done)

*1,2,3,4 in this order should be expeditiously renovated (and/or moved out during

S.O.S.! MAY DAY! PLEASE HELP!

T.V. Channel V, prime time 1982 spring, upon questioning the D.C. health inspector as to how these station houses would rate were they graded like other institutions in D.C. received this unequivocal reply "They would be Condemned and Closed."
* Why are these 4 houses still permitted to operate with such notorious conditions.

SINCERE THANKS

STATEMENT OF J. GEORGE FRAIN, CONCERNED CITIZEN

Senator SPECTER. I call now on Mr. George Frain please.

Mr. FRAIN. Good morning, Senator Specter.

Senator SPECTER. Good morning.

Mr. FRAIN. I will testify today on two items: the fire department and the arts. As a concerned citizen and as first vice president of the Federation of Citizens Associations of the District of Columbia, I would like to support the recommendations of William E. Mould, president of Local 36 of the Firefighters Association, and the statement which he submitted this morning in which he urged you to adopt language similar to the language that was adopted for the Metropolitan Police Department that would call for the fire department to maintain the staffing level per shift of at least 295 work stations, which would provide for the adequate staffing of 32 engine companies, 17 ladder companies, 4 heavy-duty rescue companies, and 1 marine company in the District of Columbia.

Mr. Mould's statement included an April 23, 1984 news report in the Washington Times, and I would like to quote very briefly from that. It says that District Fire Chief Theodore Coleman authorized spending at least $27,000 to remodel executive offices while at the same time he requested elimination of 200 fire fighting positions to save money. The remodeling was done by three firefighters who were taken off their beats to install paneling, crown moulding, and a chair rail, according to department spokesman Rayfield Alfred. Information obtained under the Freedom of Information Act showed that the department spent a total of $27,047.44 on furniture, including $3,459 for a storage cabinet, a $1,228 file cabinet which we think is outrageous, a $1,498 executive swivel chair, two sofa chairs worth $1,040 each, and a $1,144 sofa. Those are pretty large sums for common, ordinary furniture. I do not know what kind of furniture he got.

In the past the news media has reported that several top Federal officials in the Reagan administration, including the former head of the Veterans' Administration, resigned under severe criticism when it was reported they had renovated, and he had renovated his offices and had misused Government limousines.

Your subcommittee should look into this office renovation by District Fire Chief Theodore Coleman very, very carefully and very seriously.

Now, as to the arts, I have a brief oral statement I would like to submit, if you will, please.

I am George Frain. I am a retired congressional aide. I am credited by former Senator J. William Fulbright with having had a role in the establishment of the Kennedy Center.

I have submitted a detailed statement today with documentation which backs my statement up, and I understand that it is being included in the record.

What the record shows is that the free cultural programs which Washington, like many other cities, including Philadelphia, I believe, provides for its low-income families, the elderly, and the children who will be the citizens of tomorrow, have been stopped here in the Nation's capital for 4 years as a result of actions by this subcommittee and the House sister subcommittee.

Further, these programs were attended by thousands of people. The summer concerts of the National Symphony were presented for 30 years from a barge anchored in the Potomac at the foot of the steps leading up to the Lincoln Memorial. These steps provided a natural amphitheater. The National Park Service funded those free summer programs. Thousands of tourists attended them also, the families, the low-income people attended those concerts, and tens of thousands of people would be there at every concert. That has ended now.

Abraham Lincoln surely would have approved of that. He once said that God must have loved poor people he made so many of them.

A lot of these poor people live in Washington. There are black families, poor Hispanic families, poor elderly, eager but poor children wanting to and needing to do more with their lives than play baseball, basketball, soccer, and take up crime as careers. There is a whole world out there if the D.C. and Federal governments and Congress do not close the door on them to careers in the arts and TV, movies, stage.

Senator SPECTER. Are you about concluded?

Mr. FRAIN. I have about 1 minute.

Senator SPECTER. We are going to have to move ahead, Mr. Frain. Time is up.

Mr. FRAIN. What has happened is you have cut it off and you have provided nearly $5 million. Another sister committee, the Interior Subcommittee, nearly $5 million for the Washington Opera and the National Symphony. The only concert that we got for the poor is that one concert on Capitol Hill at the Fourth of July, and the Washington Opera is going to Edinburg to present concerts to show how cultural we are. I would be much more impressed, and I think Members of Congress would be much more impressed, if you presented some of those concerts free like you did before, before you made this tremendous mistake in the 1981 budget, and to provide operas and symphonies and so forth and so on for the poor people of Washington.

The people in Edinburg, Scotland do not need it.

Thank you very much.

Senator SPECTER. Thank you, Mr. Frain.

[The statement of Mr. Frain follows:]

STATEMENT OF GEORGE FRAIN

~~I am George Frain,~~ I am a retired Congressional aide, I am credited by former Senator J. William Fulbright with having had a role in the establishment of the Kennedy Center, in the Congressional Record of July 28, 1971.

In his statement on page E 8439 he ~~xxxx~~ placed in the Congressional Record something that Richard Coe, the drama critic for the Washington Post, wrote about me. Mr. Coe wrote:

> "For years now Frain has been the legislative gadfly it takes to get an idea acted on by Congress. I first heard Frain bring [illegible] up the matter in 1946 when the city was realizing what the local theatrical policy of racial discrimination implied. The more Frain learned of what music, dance and drama could mean the more insistent he became."

There is more, but I think this clearly indicates that I am not a novice in cultural matters.

I have [illegible] submitted a detailed statement today with documentation which backs my statement up.

What [illegible] the record shows is that the free cultural programs which Washington, like many other cities, provides for its low-income families, the elderly, and the children who will be the citizens of tomorrow, have been stopped here in the Nation's Capital for four years.

Further, these programs were attended by thousands of people. The summer concerts of the National Symphony were presented for 30 years from a barge anchored in the [illegible] Potomac at the foot of the steps leading up to the Lincoln Memorial. Those steps provided a natural amphitheater. The National Park Service funded those free summer concerts. Thousands of tourists attended them also.

The families, the low-income people, attended those concerts, tens of thousands of people would be there, at every concert. That is ended, now.

Ebraham Lincoln surely would have approved of that. He once said that God must have loved poor people, he made so many of them.

A lot of those poor people live in Washington, there are poor Black families, poor Hispanic families, poor elderly, eager for their children wanting to, and needing to do more with their lives than play basketball, or soccer, and take up Crime as Careers.

There is a whole world out there, if the D.C. and Federal Governments and Congress don't close the door on them, to careers in the arts, in TV, movies, the stage, education, and so on, and so on. The Nation needs their help.

Other free cultural programs were Shakespeare in the Parks presented for years in a natural amphitheater near the Washington Monument. Those programs are ended now, they were presented by the D.C. Recreation Department.

Abraham Lincoln's mind was sharpened by reading the Bible and Shakespeare.

The D. C. Recreation Department funded for 26 years the opera programs of the Washington Civic Opera. Those are ended now, also.

But Congress, in [illegible] one of the most disturbing cultural actions it has ever taken, ended all that, when it took up the FY 1981 D. C. Budget and transferred $67,100 which funded those programs in the Recreation Department to the D. C. Commission on the Arts and Humanities.

The Senate and House [illegible] Appropriations Subcommittees heard testimony from Mildred Bautista, [illegible] the D. C. Arts Commission executive director that the $67,100 would be used for Shakespeare in the Parks, the National Symphony summer concerts, and the Washington Civic Opera.

Mayor Barry gave supporting testimony, saying [illegible] all programs would be continued.

Dr. Rumsey, director of the Recreation Department gave similar supporting testimony.

The Human Services Committee of the City Council gave similar assurances.

But the money never reached the Shakespeare in the Parks, the summer concerts of the National Symphony, and the Washington Civic Opera.

And then what happened?

The Appropriations Subcommittees on the Interior and Related Agencies at the very time these funds were stopped for these free public performances for the city's poor people, gave $1,250,000 in the FY 1981 Federal Budget to the National Symphony Orchestra, without any strings attached.

And the only public concert which the National Symphony presented was the Fourth of July concert on Capital Hill.

That is no substitute for a summer-long series of free public concerts for poor people.

The National Symphony in the four years, in the Federal budgets, has received a total of $3,722,000 dollars. I have documented that outrageous Appropriation.

In an historic debate on September 21, 1983 the Senate decided by a vote of 53 to 40 to give the Washington Opera $650,000. I have documented that outrageous Appropriation, also.

The programs of the Washington Opera and the National Symphony are presented at the Kennedy Center, where they cost so much poor people can't afford to attend.

I used to think that Congress was fair. It obviously isn't fair any more.

The Washington Opera is going to Edinburgh, Scotland on August 12 to open the festival there.

I would be more interested if the Washington Opera and the National Symphony, instead of galivanting all over the world to show the natives in other countries how cultured we are, would present free public programs for poor people here in the Nation's Capital. I think that would impress the people of other countries more than going to those countries to demonstrate the high degree of our cultural accomplishments.

Please take some corrective action now.

I have recommended three corrective steps at the end of the statement I submitted. Please adopt the three steps I recommended.

I would also recommend that your subcommittee earmark $100,000 of the increase requested for the D.C. Commission on the Arts for these poor peoples cultural programs in the FY1985 D.C. budget, so they can proceed.

That $100,000 would be only 1/40th of the Federal funds provided the National Symphony and the Washington Opera in the four years 1981-1984.

GREATER WASHINGTON ORGANIZATIONS FOR GOVERNMENT FUNDING OF SOCIAL SERVICES

STATEMENT OF WILLIAM RICE, COORDINATOR

Senator SPECTER. Next is William Rice, coordinator of the Greater Washington Organizations for Government Funding of Social Services.

Mr. RICE. Good afternoon, Mr. Chairman. I will go over and summarize my statement.

Senator SPECTER. Thank you.

Mr. RICE. Let me just say that I am the coordinator of Greater Washington Organizations for Government Funding of Social Services, GWOGFOSS. We have testified the last 2 years, and as you know, we are a coalition of 21 organizations in the Washington metropolitan area united in the belief that it is the responsibility of government at all levels to provide those services necessary for a healthy, happy, and well-educated populous.

The first point we want to make is that we are testifying on these areas not because we want you to rearrange the budget duly decided upon by the officials of the District, but rather to point out these problems in the hope that the Federal Government will, in the future appropriate more money to the District, and we have brought up all of these problems with both the Mayor and with the appropriate committees of the City Council.

In the area of social services, Aid to Families with Dependent Children and general public assistance payments are slated to go up by 9 percent, but that will still only provide about 50 percent of the determined standard of need, and we think it is obvious that if there is a determined standard of need, it should be provided at the 100-percent level.

The budget also says that the city is expecting savings in the AFDC program because of the improving economy, which we think is uncertain in the District, and from the effect of a larger portion of the case load going on to the monthly income and eligibility reporting. Since this reporting is mandated by Congress, we think it is something which is especially important to present here.

There are many problems with the monthly reporting system, beginning with the fact that it requires recipients to fill out very lengthy and, to many clients, complex forms every month, and if there is any sort of problem in the delivery of these forms, then recipients are kicked off, such as one incident where about 1,000 clients were kicked off just because the reports did not come in the mail.

Even if the reports do get into the system, oftentimes they are not processed in time because there are not enough Income Maintenance Administration workers, and because of these various problems, recipients often lose their income for at least a month.

What we are concerned about is that there is no system that we know about for collecting information and trying to stop this kind of underpayment as there certainly is for controlling overpayments.

In the area of health care, there were two health clinics that serve four housing projects with significant elderly and disabled populations. They have had their days of operation cut back from 5 to 2 days a week. We think that is a problem.

We are also concerned about the lack of a 24-hour monitoring of these projects to find any possible health problems that the elderly residents might be experiencing, and we think that needless suffering and possibly in a few instances even death, we understand, have occurred because of this lack of monitoring.

In the area of the disabled, we point out that there are about 80,000 adults in the District who are disabled in some way, and as far as the disabled homeless go, there is inadequate facilities at the Shelters for the Homeless for wheelchair-bound people; also for interpreters for the communicationally disabled.

Also for the disabled there is a need for personal care attendants for quadraplegics and other severely disabled persons who could avoid institutionalization if they had this kind of personal care.

In the Department of Employment Services, the number of locally funded job slots is expected to increase, and we are glad of that fact, but because the replacement by the Federal Government of CETA with the Job Training Partnership Act, the number of Federally financed jobs has decreased so that the total number of Federal and locally funded jobs will decline by over 10 percent since fiscal year 1982, and we think the need for Government-funded jobs is greater now than it was in 1982, and we believe, in general, that the Government has the responsibility to provide employment to combat both cyclical and structural unemployment.

Mr. Simons of the Teachers Union pointed out the problems in the school buildings in the school system. I would only add that there are 37 schools that need roof repair and 20 lack modern electrical wiring.

To go to Federal budget decisions, there was one-time Federal funding this year for two programs in the District. One was a special crime initiative, and the other was for a master teacher program. We feel if the Federal Government wants those functions continued or any functions that would grow out of those grants, it should provide the funding.

Senator SPECTER. Could you conclude, Mr. Rice, please? The time is up.

Mr. RICE. Sure. I would say as far as St. Elizabeths goes, we feel that the Federal Government, as we said before, should take over full funding of the hospital, and we are not satisfied with the various proposals that have come before you, and we support a full appropriation of the Federal payment, although we feel the Federal payment should be much higher than it is, seeing as some estimates put the total cost to the District and the Federal presence at about $1 billion.

[The statement follows:]

STATEMENT OF THE GREATER WASHINGTON ORGANIZATIONS FOR GOVERNMENT FUNDING OF SOCIAL SERVICES

This is the testimony of Greater Washington Organizations for Government Funding of Social Services—GWOGFOSS. As you know from our testimony before you the last two years, GWOGFOSS is a coalition of 21 organizations in the Washington Metropolitan Area (a list of member organizations is attached) united in the belief that it is the responsibility of Government, at all levels, to provide those services necessary for a healthy, happy and well-educated populace.

We will address four areas that we feel should be considered when determining the appropriation to the District of Columbia for Fiscal Year 1985. We support full appropriation of the budget decided upon by the Mayor and Council of the District of Columbia.

LOCAL BUDGET DECISIONS

Some of our testimony today concerns decisions that are rightfully the Federal Government's. But most of our presentation concerns local budget decisions. We are testifying on these subjects not because we wish you to rearrange in any way the budget duly formulated by the elected officials of the District of Columbia. Rather, we are pointing out deficiencies in local services as proof of the insufficiency of Federal support of District finances.

Everything about local budget decisions in this testimony was presented in February to the appropriate committees of the D.C. City Council. The Council did not see fit to address these concerns with the revenues currently available to the City. But we hope that the Mayor and Council will be able to attend to these and other program shortfalls in the future if Congress knows about these funding problems and increases substantially the Federal contribution to the City in an effort to help solve them.

In testimony before the Committee on Human Services of the Council of the District of Columbia on February 15, 1984, GWOGFOSS commented on the proposed FY 1985 budget for the District's Department of Human Services.

Aid to Families with Dependent Children/General Public Assistance (AFDC/GPA)

The District has determined "standards of need" for recipients of AFDC and GPA that vary with the size of the family and the amount of other income available, if any. This standard represents the amount that the District considers to be the minimum income necessary for survival. The Fiscal Year 1985 budget would increase AFDC/GPA payments by nine percent, but even with this increase they will only provide 50 percent of the determined standard of need. Whatever money is necessary to fund these programs at levels that will allow them to support people at at least 100 percent of the standard of need should be provided.

Even with the nine percent benefit increase, the overall funding for AFDC is slated to decline by over $700,000 in FY 1985. A City official told us this is because the program is overfunded in this fiscal year. But the budget document says the City is expecting savings in the program from a decrease in caseload caused by an improving D.C. economy (an uncertain event: the local unemployment rate recently went up); and from "the effect of 40 to 45 percent of the AFDC caseload being on monthly income and eligibility reporting." Monthly reporting, the defects of which we describe below, is mandated by the Federal Government. Therefore it is also a burden on the people of the District that the members of this Subcommittee, as members of Congress as a whole, can help alleviate.

Rather than saving money by reducing fraud—the purpose, we assume, of the new system—we are afraid the cost-reducing "effect" of monthly reporting will be achieved at the expense of eligible clients. Monthly reporting requires recipients to fill out lengthy and, to many clients, complex, forms every month. (Under the traditional system, clients are recertified every six months.) No allowance is made for illiterate or mentally disturbed clients.

Income Maintenance Administration (IMA) workers are not social workers; they are not trained to find out *why* a client has not returned the forms, only to establish that they have not been returned. If the forms have not been returned, the client is dropped from the program.

But the greater problem with monthly reporting, perhaps, is that of clients who *have* sent in their forms, and are still cut off. This can happen in several ways. Sometimes the forms are lost in the mail, or are delivered late: a human services advocate told us of an incident he had heard of from a District official about 700 to 1,000 clients being cut off because two mail bags of monthly reports didn't come in on time. There is also a question of what is "on time." Reports are supposed to be in by the 10th of the month, but some IMA workers give their clients until the 20th, while others set the end of the month as the deadline. Finally, forms that make it to the office by the correct date sometimes cannot be processed in time simply because there are too few workers; the computer, knowing only that the necessary information has not been entered, drops the client from the rolls.

Many AFDC clients on the monthly reporting system fall into these pitfalls, and thus lose their income for at least a month. A month's lost income is a serious thing for a person on welfare. What concerns us is that to our knowledge there is no system for collecting information on, and preventing, these kinds of *under*payments, such as there most certainly is for controlling *over*payments. It's been said that it is better to serve too many than too few, do too much than too little. The District—under Federal pressure—is exemplifying the opposite philosophy.

We would hope steps would be taken to end monthly reporting, or at least ameliorate its damaging effects, and that the same amount of energy that is expended to make sure no one is *cheating* the system would be put forward to guarantee that no one is being *cheated by* the system.

Senior Health Care

We are concerned that the two health clinics that serve four housing projects with significant elderly and disabled populations have had their days of operation reduced from five to two a week. This has left a large, vulnerable population with a severe shortage of accessible medical services. We note that the budget for Clinical Services is slated to increase by over $1,700,000 in FY 1985. We would hope that some more money could be allocated to re-expanding the operating days at these two clinics.

We would like to suggest that funding be provided in FY 1985, if not sooner, for the stationing 24 hours a day of at least one nurse practitioner in each building of each housing project with a significant elderly or disabled population. Due to fear, disability and other factors, the residents of such projects are not able to provide the support network that is needed to keep watch for the health emergencies of their neighbors. It appears that needless suffering, and in a few instances even death, has occured because of this lack of basic monitoring. We would also like to urge that more social workers be assigned to these areas, so that the residents can both receive increased services, and so that they can be made aware of the availability of such services in the first place.

Programs for the Disabled

Over 80,000 adults in the District are in some way disabled. Yet many needs of this population are going unmet.

Accessibility for the disabled at shelters for the homeless is sadly inadequate. Although entry ramps allow for actual entry into the shelters, once inside there is very little, if any, accommodation for the homeless, handicapped person. Doorways are too narrow for wheelchairs to pass through, bathroom facilities lack the extra space necessary for their use by the wheelchair-bound, and in general there isn't enough space in shelter accommodations in which to maneuver wheelchairs and similar devices. In short, existing facilities must be renovated, and future facilities planned, with the physical needs of the disabled in mind. In addition, there is a need for interpreters to serve the communicationally disabled at the shelters. It is terrible enough being disabled and homeless; adding to that being unable to communicate with the shelter workers would seem to be too much to bear.

The Long Term Care Administration should provide Personal Care Attendants to severely disabled people, so as to allow the "maximum independence for each individual" that is listed as a responsibility of the Administration. Currently, those quadriplegics and other severely disabled persons who cannot afford the cost of private, full-time assistance, must reside either in hospitals or in nursing homes, including D.C. Village. Many such individuals could regain and maintain their independence, if only they had available someone to help them with one or more of the basic logistics of life, including getting into and out of bed, maneuvering their wheelchairs, eating, ect. With such assistance they could function and be productive.

The services provided by Home Care Services and Personal Care Services are not enough to meet these individuals' needs. They require, and we believe should receive, the kind of aid that only full-time Individual Personal Care Attendants can provide.

In testimony prepared for inclusion in the record of the hearing of the Committee on Housing and Economic Development of the Council of the District of Columbia held February 10, 1984, GWOG-FOSS commented on the proposed FY 1985 budget for the District's Department of Employment Services.

Department of Employment Services

We recognize and applaud the high level of local resources put towards jobs programs by the District Government. We are also pleased that the number of locally-funded job slots available under the Youth Employment Act (YEA) is slated to increase in Fiscal Year 1985 by 16.8 percent over this year, FY 1984.

Unfortunately, as the District has been strengthening its commitment to government-funded jobs, the Federal Government has been abandoning the principle. The replacement of the Federally-funded Comprehensive Employment and Training Act (CETA) with the Job Training Partnership Act (JTPA) substantially reduced the number of jobs in the District funded with Federal money. In fact, if the present predictions for FY '85 come to pass, the total number of District- and Federally-funded jobs will have declined by 10.6 percent since FY 1982.

As you know, the District is not sharing in the national recovery: the local unemployment rate, as we noted earlier, recently went up. Therefore the need for Government-funded jobs is greater now than it was in FY '82, which ended before the recession really began. Moreover, many economists expect another national economic downturn, beginning as early as later this year, which is also when FY 1985 will begin. So the District's still-depressed economy may be even further damaged.

We are glad that locally-funded job slots were increased for the current fiscal year. We also support the Mayor's attempts to stimulate economic development, which hopefully will create private-sector employment. But we strongly believe that the Government has a responsibility to provide employment to combat both cyclical and structural unemployment. The Federal Government is abdicating that responsibility. The District Government must pick up all of the slack; it must raise the total level of Government-funded jobs up to and beyond the FY '82 level, in order to better meet the need for employment that exists in the District of Columbia.

In testimony presented to the Committee on Education of the Council of the District of Columbia on February 14, 1984, GWOGFOSS commented on the proposed FY 1985 budget for the District of Columbia Board of Education.

The Public School System

Maintenance, repair and renovation of aging school buildings and equipment has been deferred for many years; these needs must now be attended to. Even though more money has been allocated for major capital improvements and for smaller maintenance and improvement jobs, it is not enough. The Superintendent of Schools has written that once the school-building boom of 20 years ago was over, "little funding was available for repairs. Over the years major problems have developed in many buildings." She goes on to cite the number of schools that need roof repair (37) and other types of physical upgrading, even including 20 schools that lack modern electrical wiring. Most telling of all, she reveals that the average age of D.C. public school buildings is 31 years. She notes that proper repair and upgrading now will not only make the schools safer and more pleasant for staff and students today, but will preserve the buildings so that they will still be around to serve the increased enrollment that is expected at the end of the decade.

FEDERAL BUDGET DECISIONS

In FY 1984, the District received one-time Federal funding of $25,171,000 for special crime initiatives and $350,000 for a feasibility study of a master teacher pilot program.

We urge that if Congress expects these activities to continue, it appropriate additional Federal funds for the purpose. In no way must the District be saddled with any of the expenses required, or implied, by the above activities.

We also urge the members of this Subcommittee, both as members of the full Appropriations Committee, and as individual members of Congress, to fight for increased funding of all Federal programs that help to improve the level of well-being of the people of the City, the region and the Country as a whole.

ST. ELIZABETHS HOSPITAL

We continue to believe that full responsibility for funding the Federal mental hospital St. Elizabeths should fall completely on the Federal Government. In our testimony before you the last two years we have detailed our reasons for this positions. We urge you to review these reasons, as well as the history (which accompanied them) of the many and varied attempts to transfer the Hospital that have occured over the past 40 years.

Concerning the proposed FY 1985 District budget, it contains a six-year plan to transfer most of the population of St. Elizabeths to an expanded District mental health care network. The plan envisages the Federal Government "funding a proportionate share of the costs of the District's mental health system in accord with the magnet effect of the nation's capital." This seems to us to be a bad direction for the District to be moving in for three reasons.

First, it would effectively eliminate the financial benefit the District still receives from the Federal Government's operation of the hospital, and would preclude any increase in that benefit that might be negotiated in the future.

Second, because the District believes that over one-half of the patients at St. Elizabeths are drawn here by, and thus are the responsibility of, the Federal Government, and the Federal Government would probably subscribe to a substantially lower figure, we foresee a continuing, massive battle over what the Federal share of the costs should be.

Third, despite the District's desires, the Federal Government would most likely close St. Elizabeths if the City's budget proposal is carried out. This will in effect burn the District's bridges behind it, and place the District in fiscal jeopardy if the Federal Government were to ever redefine its obligation to provide "a proportionate share" of the City's mental health costs. As long as the Hospital is open and serving patients, it will be much harder for the Federal Government to stop paying for the patients it has taken responsibility for. But with the Hospital closed, an "out of sight, out of mind" psychology on the part of the Federal Government could well end up burdening the District with the full cost of mental health care in the City.

The argument is made that a transfer of patients to District supervision would facilitate the implementation of modern, community-based mental health care. But the Federal Government is just as capable as the District of running, and paying for, such a system. The desire for an improved method of treatment should not force the District to go in such a fiscally dangerous direction.

Regarding the various proposals that are currently circulating on Capitol Hill for a corporation to run St. Elizabeths or a combined St. Elizabeths-District Mental Health Services Administration network, we would only be able to support, and then only as a last, and poor, resort, a proposal that: 1) Guaranteed that the Hospital would always be able to accomplish its mission of providing the highest level of mental health care and research, 2) Provided the strictest protections to St. Elizabeths' employees, perpetually maintaining their status at, or above, its current, Federal, level, and 3), Fully protected the District from any substantial increase in its financial contribution to the Hospital.

THE FEDERAL PAYMENT

We urge this Subcommittee to appropriate a full Federal Payment for the fifth year in a row, this time one of $425 million.

Although we support this figure, we feel it should be much higher. The total tax revenues foregone by the District due to the Federal presence and Federal policies is estimated to be over one billion dollars ($1,066,300,000) in FY 1984. Notwithstanding any benefit to the District resulting from the net value of services provided by the Federal Government to the District and vice versa, it seems clear that the Federal Payment should be greatly increased.

We also wish to express our support for legislation that is now being drafted, as part of an omnibus bill, that would establish a formula-based Federal Payment for future fiscal years. Under this proposal, the Payment would be set each year at 35 percent of the taxes raised by the District two years previously.

Ever since 1802, when the District of Columbia's residents asked the Federal Government to help pave the new Capital's streets, the citizens of the District have recognized the responsibility of the United States Government to help the city it spawned[1]. Unfortunately, the Federal Government has not always recognized what it owes the District: for many years the streets went unpaved. Still, Congress made intermittent payments of varying size to the local government for the next 30 years, and, after Congressional panels reported in the 1830's that the District couldn't afford—largely because of the Federal presence—to pave Pennsylvania Avenue, the Federal Government not only paved the thoroughfare, but made the Federal Payment more regular and generous. For the next 40 years the Payment constituted an average of about 40 percent of the total District budget. The District of Columbia Organic Act of 1878, besides creating the commissioner-form of government, called for all local tax revenue to be deposited in the U.S. Treasury and for Congress to exercise the total control over the District's budget that it still enjoys today. But in return, the Federal Government would provide half the operating budget for the District. This system prevailed for nearly half a century, then was abandoned in the 1920's in favor of the unpredictable "lump sum" payment that has been used ever since. The Senate D.C. Appropriations Subcommittee recommended a formula payment in 1944, but was ignored. In 1973, the Senate-passed Home Rule Act called for a fixed payment of 40 percent of locally-raised revenue. The House version of the

---

[1] This and following historical information: The Federal Payment to the District of Columbia, 1790-1980, (Staff study for the House District Committee), August 14, 1979.

Act called for continuation of the lump sum payment system. The House version prevailed.

On May 22, 1896, the House District Committee unfavorably reported out a bill to repeal the 50 percent Payment, stating in part: "The circumstances under which the national capital was founded by the National Government for its own use created an equitable obligation on the part of the National Government to share the expenses of its maintenance and development"[2]. This is the key point in any discussion of the Federal Payment: The District did not ask to be created. And just as a child has the right to look to its parents for adequate support, so the District can expect—even in maturity—to receive ample, predictable financial compensation from a Federal Government whose presence is a continuing burden.

[2] ibid., page 14

MEMBERS OF GWOGFOSS

The Adelante-Advocacy Center

The Adelphi Friends Meeting, Peace and Social Order Committee

The American Federation of Government Employees, Council 211, AFL-CIO

The American Federation of State, County and Municipal Employees, Council 20, AFL-CIO

The American Federation of State, County and Municipal Employees—Virginia Public Employees, Council 30— AFL-CIO

District of Columbia Services for Independent Living, Inc.

The Fairfax Unitarian Church, Social Action Committee

The Gray Panthers of Metropolitan Washington

The Gray Panthers of Montgomery County

The Greenbelt Peace Committee

The Hotel and Restaurant Employees Union, Local 25, AFL-CIO

The Metropolitan Washington Council, AFL-CIO

The Metropolitan Washington Planning and Housing Association

The Montgomery County Federation of Teachers, Local 1670, A.F.T., AFL-CIO

The Northern Virginia Branch of The Washington Urban League, Inc.

The Prince George's County Gray Panthers

The United Food and Commercial Workers, Local 400, AFL-CIO

The Washington Peace Center

The Washington Teachers' Union, Local 6, A.F.T., AFL-CIO

The Washington Urban League, Inc.

Wider Opportunities for Women

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you very much. The hearing is concluded.

[Whereupon, at 11:37 a.m., Wednesday, May 23, the subcommittee was recessed, to reconvene at 10 a.m., Tuesday, June 12.]

MATERIAL SUBMITTED SUBSEQUENT TO THE HEARING

[CLERK'S NOTE.—The following statements were not presented at the hearing, but were submitted to the committee for inclusion in the record subsequent to the hearing:]

STATEMENT OF HON. STAN PARRIS, U.S. SENATOR FROM VIRGINIA

MR. PARRIS. MR. Chairman. I appreciate this opportunity to comment on the District of Columbia Appropriation. There are a number of serious issues which need to be addressed to ensure the quality of life and level of services in this city which we all would like to see.

Fire casualties are increasing this year over last year, an alarming development. Fire deaths in 1983 numbered 16. Already in 1984 there have been 32 civilian deaths and the death of one firefighter. Property losses were $27 million in 1983. This year there have already been losses of $25 million. WASHINGTONIAN Magazine reported in its March 19, 1984 issue that the District's ambulances were the third slowest to arrive on the scene of an emergency of thirty major cities in the U.S.

Yet the Chief of the District of Columbia Fire Department has requested a reduction in 45 work stations equivalent to a reduction in 200 positions in the firefighting force. Clearly, such a reduction in force would be unacceptable at present, as the position of the District's City Council indicates. Instead, we should be investigating ways to give stability to the Fire Department. I respectfully urge your consideration of a specific floor level of 295 fully manned work stations for the Fire Department, to be enacted as a permanent provision. As you know, the Police Department's staffing level is similarly set at a specific number. The other public safety department in this city should enjoy the same stability.

As you recall, we corresponded earlier this year on the overtime pay hardship which Chief Coleman's budgeting is causing firefighters. Chief Coleman has again requested an inappropriately low figure for overtime pay for firefighters. In recent years the request for overtime funding has been approximately $2-3 million. If Chief Coleman feels that public servants in a stressful occupation charged with protecting the lives of the residents of this city do not need annual leave time, he should take administrative action, rather than making absurd budget requests and then throwing up his hands when the money runs out. Of course I oppose either approach. It is essential to give firefighters the annual leave time they have earned, because lives depend on their morale and lives are endangered if personnel are not granted a respite from so stressful an occupation. I respectfully recommend an adjustment of the Chief's request to sufficient levels such as have been seen only recently prior to this year.

I am enclosing a copy of a memorandum to the Chief from Deputy Chief Mullikin outlining deficiencies which are threatening the adequate delivery of Emergency Medical Services to the public. Clearly, this crisis confronts us now, not just as a potential problem for the future. I have addressed the issue for fiscal year 1984 in separate correspondence to you. As for fiscal year 1985, I urge that sufficient levels of funding be provided so that these essential medical supplies are not depleted midway through the year.

The District's handling of the additional funds appropriated by Congress for four extra emergency vehicles was deplorable. Last year the Appropriations Committees of the House and Senate did the Washington metropolitan area and the entire country a great service by including $1.2 million in additional funds for the District's emergency medical services. I urge that funding for rescue squads be continued in this year's bill at levels sufficient to maintain the added squad units.

Section 4-1104 (1981) of the District of Columbia Code provides for overtime pay for court appearances by police officers in an official capacity other than as defendants. In the legislative history of this statute which I worked with Congressional Research Service to assemble, there is no reference to exemptions from overtime compensation for appearances before grand juries. Yet the District Police Department has informed Police personnel that such appearances are not included. Police testimony is essential to convicting criminals. The Department should not be in the business of discouraging grand jury testimony. I submit that language is necessary in this appropriation to earmark such sums as are necessary for the compensation of police personnel for grand jury testimony at the same rates as they have customarily received, under Section 4-1104 (1981).

The statutorily established level of 3,880 uniformed police positions is essential to the stability of the police department and to law and order in the District. I respectfully urge that it be maintained.

Recently, I have been concerned to learn of the almost ridiculous safety problem which has developed with the police motorscooters. Clearly, Chief Turner's order that no personnel weighing 190 pounds or more may ride these vehicles requires prompt action to procure new motorscooters which can carry heavier riders. The Fraternal Order of Police has indicated that $500,000 would be necessary to purchase the needed 325 higher capacity scooters and spare parts. There obviously is a need for the scooters as a means of transporting police to the trouble spots where they are needed. I urge that funding for new scooters of appropriate capacity be provided for the District.

The Police Department's budget has not kept pace with inflation. Were the Department's 1975 "other than personnel services" budget of $7.819 million to increase at the rate of inflation, it would be $15.8 million in fiscal year 1985. The District's request is $10.9 million. I feel we owe it to the District to assist in preserving the purchasing power of its public safety budget. I am informed that serious supply shortages are developing in the Department.

The District's budget request for the Policemen's and Firemen's Clinic is also insufficient. As you know, the clinic has been operating since 1933 and provides a special service to those city employees so essential to the public safety. Police personnel and firefighters need specialized health care because of the hazardous nature of their occupations. Their health needs exceed those of other workers. Thanks to your efforts, the clinic remains a separate entity and its functions have not been assumed as part of D.C. General Hospital. The budget request, however, will erode the quality of service at the clinic because of a reduction in the request for funds for staffing the clinic with doctors from $559,000 to $351,000. Historically, there have been approximately thirteen doctors at the clinic. To prevent an erosion in the quality of service to police personnel and firefighters, I urge the maintenance of the level of thirteen doctors. This level would require the addition of approximately $275,000 to the city's request for the clinic.

Finally, I am enclosing for the record a copy of a letter I sent to the Mayor regarding the erratically enforced offset provided for by Section 1-612.3 (1981) of the D.C. Code. The effect of this provision is to bar federal retirees from employment with the District, and as such it will not save the District any money. Its utility as an economy measure is negated by its prohibitive nature. In the interests of equal opportunity in hiring and fairness to D.C. employees, it is essential that those federal retirees currently employed by the District who are required to make any such payments and those hired by the District in the future be reimbursed for payments they have made or must make as a result of this law, be they retroactive or in the future. I urge that funds in an equivalent amount as that paid to the District by the impacted employees be earmarked for reimbursement to the employees, and that report language be included to instruct the District government to provide notice to job applicants of the reimbursement program. Failing such a remedy for the hardships caused by the erratic enforcement of the prohibitive and discriminatory Section 1-612.3 (b) (1981), I respectfully recommend a restrictive provision in the appropriation for fiscal year 1985 barring the use of funds for its enforcement.

As a fiscal conservative, I do not usually recommend increasing appropriated levels over what has been requested. I respect the District's need to restrain spending. However, if Congress is willing to cooperate with and provide further needed assistance to the District--and I think many members would recognize the validity of many of these points--then I would think the District would be willing to work with us in resolving the issues raised.

I appreciate your consideration of these comments.

STATEMENT OF RICHARD A. WEILENMANN, ARTISTIC DIRECTOR, WASHINGTON CIVIC OPERA

My name is Richard Weilenmann, I am the artistic director of the Washington Civic Opera. I have held this position for 12 years, since the death in 1972 of Dr. Frederick Fall, the founder and artistic director of the Washington Civic Opera.

I wish to comment on the testimony of the witnesses for the D. C. Commission on the Arts and Humanities who testified on May 23, George Koch and Ted Gay. They testified that the Washington Civic Opera applied only once for funds, and this was in 1984.

The truth is that the Board of the Washington Civic Opera applied twice for funding to Mildred Bautista, once on February 23, 1983 for a 1983 grant, and early in 1984 for a 1984 grant.

In 1982 we discovered quite by accident that the deadline was upon us, we were not notified by the Arts Commission. We immediately got in touch with Mildred Bautista, and she told us that no money was available and that there was no use in our applying for Commission funds in 1982.

Even earlier, on January 21, 1981 I testified for funding for the Washington Civic Opera before the Committee on Human Services of the D. C. Council at which time it was holding hearings on the FY 1982 Budget for the D. C. Commission on the Arts and Humanities.

In the fall of 1981, I believe it was in September 1981 I contacted Mildred Bautista and met with her and asked her for help in getting funds for the Washington Civic Opera. She said at that time that the Washington Civic Opera was quote "too valuable a group to let die, but there were no funds available to help the Washington Civic Opera."

In 1983 the Washington Civic Opera applied for funds but Mildred Bautista told us our application wasn't received by the D. C. Arts Commission, even though our application was sent by registered mail and we have a signed receipt.

In 1984 we applied for funds and sent our application by registered mail, it was received by the D. C. Commission on the Arts and Humanities but it was denied.

I call your attention to the minutes of the meeting of the Board of Directors of the Washington Civic Opera on October 14, 1983 which states and I quote, a copy of which I include as part of my testimony:

"Report on meeting with Mildred Bautista Durwood Settles reported on the meeting which he and Chuch Morgan had with Mildred Bautista on Friday, September 16, 1983. Ms. Bautista said that she would check on the status of the application. Durwood Settles did not think an award likely, but it was his understanding that discretionary funds are available from which Ms. Bautista said she would send an unspecified amount. There was also a discussion about the process by which the Washington Civic Opera can gain some recognition with the Committee on the Arts."

I also include as part of my testimony a copy of the November 7, 1983 minutes of the meeting of the Board of Directors of the Washington Civic Opera from which I now quote the following paragraph:

"Financial status Although a grant request from the D. C. Commission has been turned down, the Washington Civic Opera has been given $2,000 from The Mayor's Discretionary Fund. An invoice has been sent, and we should have a check in 45 days."

The Washington Civic Opera has never received one cent of the several million dollars which Congress has appropriated to the D. C. Commission on the Arts and Humanities over the past several years.

Furthermore, the Washington Civic Opera has never received one cent of the $67,100 which Congress transferred from the D. C. Recreation Department to the D. C. Commission on the Arts and Humanities in the FY 1981 D. C. Budget pursuant to the testimony of Mildred Bautista which appears on pages 2080 and 2083 of the published Hearings on the FY 1981 Arts Commission Budget held by the House Appropriations Subcommittee on the District of Columbia.

Your attention is also invited to the testimony of Dr. William H. Rumsey, Director, D. C. Recreation Department, which appears on pages 2047, 2060, and 2061 of the published Hearings on the FY 1981 Recreation Department budget held by this Subcommittee.

It is clear from this published testimony on the FY 1981 Budget of the D. C. Commission on the Arts and Humanities that the Washington Civic Opera was clearly going to get some of that $67,100 transferred from the D. C. Recreation Department Budget but it never got one red cent.

In conclusion, therefore, I strongly recommend for the Washington Civic Opera that your Appropriations Subcommittee on the District of Columbia take the following steps to make certain that it gets the funds it is clearly entitled to by (1) being the first integrated opera company in the city, and (2) its 26 years of free opera for the people of the District of Columbia and the visitors to this city--

(A) Transfer $67,100 from the FY 1985 budget of the D. C. Commission on the Arts and Humanities back to the D. C. Recreation Department for the use of the Washington Civic Opera so that it will be able to continue to serve the people of this city and the visitors to this city and will be able to get the technical help and funding such as the Washington Civic Opera received from 1955 when it was mandated by Congress up to the adoption of the FY 1981 budget of the D. C. Commission on the Arts and Humanities.

(B) Earmark $100,000 of the increase in the FY 1981 budget requested by the D. C. Commission on the Arts and Humanities for the Washington Civic Opera to be expended through the D. C. Recreation Department, which is the only way the Washington Civic Opera can obtain the technical help it lost when the Washington Civic Opera was transferred to the jurisdiction of the D. C. Commission on the Arts and Humanities when the FY 1981 D. C. Budget was adopted by Congress.

I include as part of testimony the October and November 1983 minutes of the Board of Directors of the Washington Civic Opera which I have quoted from in my statement.

WASHINGTON CIVIC OPERA

Minutes of the Meeting of the Board of Directors

October 14, 1983

A meeting of the Board of the Washington Civic Opera was held on the 10th of October, 1983, in the lower foyer of Lisner Auditorium, at 6:30 p.m.

The meeting was called to order by the President, Robert Statham. Present, in addition to Mr. Statham, were Frank Early, Vito Sabia, Richard Weilenmann, Durwood Settles, Susannah Patton, and new members, Alan Flood and Verna Suit.

I. Expansion of the Board

A motion was made to expand the Board from its present size of 8 members to that of 15 and to take the necessary steps to change the by-laws. The motion was seconded and approved unanimously. (The by-laws and articles of incorporation are attached.)

II. Report on meeting with Mildred Bautista

Durwood Settles reported on the meeting which he and Chuck Morgan had with Mildred Bautista on Friday, September 16, 1983. Ms. Bautista said that she would check on the status of the application. Durwood Settles did not think an award likely, but it was his understanding that discretionary funds are available from which Ms. Bautista said she would send an unspecified amount. There was also a discussion about the process by which the Washington Civic Opera can gain some recognition with the Committee on the Arts.

III. DAR Concert

Richard Weilenmann reported that Mrs. Taylor of the DAR is willing to pay all expenses for the Rogers and Hammerstein performance scheduled for April 15. Bob Statham said that we need to be explicit about what it will cost us and that such expenses must be put before the Board for ratification before coming to an agreement with Mrs. Taylor. That notion was put into the form of a motion by Durwood Settles, and it was seconded and unanimously agreed upon. Further, it was suggested that we negotiate for a $1 or $2 per seat sold as a contribution to the Washington Civic Opera. It was also decided that we should not commit ourselves to a second performance until we examine carefully the costs involved.

Minutes of the Meeting of the Board of Directors

November 7, 1983

A meeting of the Board of Directors of the Washington Civic Opera was held on the 7th of November, 1983, in the Old Executive Office Building, at 6:30 p.m.

The meeting was called to order by the President, Robert Statham. Present, in addition to Mr. Statham, were Frank Early, Vito Sabia, Richard Weilenmann, Durwood Settles, Charles Morgan, Alan Flood, Verna Suit, Lawrence Margolis, and Susannah Patton.

BOARD MEMBERS AND BY LAWS

It was agreed that the by-laws must be changed to reflect the desire to expand the Board. It was also agreed that Frank Early should notify Susan Kennelly and Robert Weiner to inform them of our interest in having them join the Board. Lawrence Margolis reiterated his interest in our exploring the possibility of asking Saeed Sheikh to become a Board member.

FINANCIAL STATUS

Although a grant request from the D.C. Commission on the Arts has been turned down, the Washington Civic Opera has been given $2,000 from The Mayor's Discretionary Fund. An invoice has been sent, and we should have a check in 45 days.

Durwood Settles has filed the Form 990 with the Treasury for the past fiscal year, and our books have been balanced.

There was a strong consensus among the Board members that our debts, totaling somewhere in the vicinity of $7-8,000, should be paid as soon as possible, and to that end Durwood Settles made a motion, which was seconded, that expenditures of funds be made to pay debts. Since the WCO can do no fund-raising until we can show no deficit, Durwood suggested that he present Verna Suit with an accounting of our debts and that he ask the Friends to consider making a contribution.

FORMER ARTS OFFICIAL PLEADS GUILTY

[From The Washington Post]

By Sandra Evans

Mildred Bautista, former executive director of the D.C. Commission on the Arts and Humanities, pleaded guilty yesterday in D.C. Superior Court to one count of felony theft in connection with charges that she stole $23,691 from the District government.

Bautista's principal method of taking the funds was to have checks written on arts commission accounts to people who did not exist or to people who were not owed money, and whose endorsements she would forge, according to the U.S. attorney's office.

The thefts occurred between May 1982 and December 1983, according to an information filed with D.C. Superior Court Judge Joseph M.F. Ryan Jr. An information is commonly used instead of an indictment when prosecutors expect a guilty plea.

Bautista has agreed to pay back the D.C. government, a statement from the U.S. attorney's office said. Sentencing was set for July 16. The maximum sentence is 10 years in prison and a $5,000 fine.

The guilty plea was part of a bargain in which prosecutors agreed to put all the theft charges together into one count, according to a knowledgeable official.

Bautista could not be reached for comment yesterday, and her attorney was out of town and unavailable for comment, according to his office.

Mayor Marion Barry ordered an investigation and put Bautista on administrative leave Jan. 30 after he was told of possible improprieties in the handling of arts commission funds.

A month later Bautista issued a statement acknowledging that she had "misused public funds and betrayed the public trust," and shortly thereafter she resigned as the arts commission's executive director.

Barbara Nicholson, acting executive director of the commission, said yesterday that "a number of things are in the works" for creating procedures to prevent any improprieties with funds in the future, and she said these would be announced at some point by the mayor's office.

The mayor's office had no immediate comment on Bautista's guilty plea yesterday.

Bautista, 37, who was a $45,000-a-year appointee of the mayor, had served as the commission's executive director as well as the mayor's cultural adviser since 1979.

In her February statement acknowledging wrongdoing, Bautista expressed "regret and sadness about my sins, particularly to the many people, friends and associates who have placed their faith in me."

In 1972 Bautista resigned as assistant to the superintendent of schools in Ann Arbor, Mich., after the school board found she had falsified her résumé. Bautista told Arts Commission Chair Peggy Cooper Cafritz about the Ann Arbor incident before her appointment as executive director to the commission, according to both Bautista and Cafritz.

After Ann Arbor, Bautista was a management consultant and worked for the Washington Center for Metropolitan Studies and the Cultural Alliance of Greater Washington.

FORMER ARTS DIRECTOR PLEADS GUILTY TO THEFT

[From The Washington Times]

By David Sellers
THE WASHINGTON TIMES

The former executive director of the D.C. Commission on the Arts and Humanities pleaded guilty yesterday in D.C. Superior Court to taking more than $23,000 from the commission.

Mildred Bautista, who also served as Mayor Marion Barry's cultural adviser, entered a guilty plea yesterday morning to one count of first-degree theft, a crime for which she faces up to 10 years in prison and a $5,000 fine. Ms. Bautista, 37, will be sentenced July 16 by Judge Joseph M.F. Ryan.

According to Assistant U.S. Attorney David W. Stanley, between May 21, 1982, and Dec. 2, 1983, Ms. Bautista misappropriated $23,691 from the commission by taking a total of 70 checks.

Most of the checks, Mr. Stanley said, were grant checks made out to aspiring artists, which were endorsed and cashed by Ms. Bautista. Other checks Ms. Bautista made out directly to area department stores or to fictitious persons.

In January 1984 Ms. Bautista confessed to misappropriating funds and was suspended from her job. She resigned in early March from the position, which pays $43,000 a year.

Mr. Stanley said that Ms. Bautista has cooperated with D.C. Inspector General Joyce Blalock and the U.S. Attorney's Office in the investigation of the case. Ms. Bautista agreed to make full restitution, he said.

The arts and humanities commission, a D.C. city government agency, was formed in 1976 primarily to provide aid to local artists. A commission spokeswoman said yesterday that since its inception obtaining grants from the commission has become a competitive process with between three and five people rejected for each grant that is awarded. Approximately 85 percent of the commission's $916,400 budget goes toward grants, the spokeswoman said.

STATEMENT OF BERTHA N. ATKIN, PRESIDENT, FRIENDS OF FOREST HAVEN

May 28, 1984.

Senator Arlen Specter
Chairman, Senate Subcommittee on
District of Columbia Appropriations
Russel Senate Office Building Room SR 150
United States Capital
Washington, D.C. 20510

Dear Senator Specter:

Friends of Forest Haven would appreciate the following statement to be included in the Congressional Record.

We, the parents and friends of the retarded citizens who are living at Forest Haven, support the District of Columbia FY 1985 Budget as long as the highest level of services are being maintained at Forest Haven in the least restrictive environment.

We are asking continuation of expanding vitally needed programs for those people who are moving from Forest Haven into Community based homes.

Friends of Forest Haven are also supporting the proposed increase of nine hundred thousand dollars for vocational rehabilitation programs that will serve the same population.

Thank you kindly for your consideration.

Sincerely,
Bertha N. Atkin.
Bertha N. Atkin,
President,
FRIENDS OF FOREST HAVEN.

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

TUESDAY, JUNE 12, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:08 a.m., in room SD–134, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

COURT OF APPEALS

STATEMENT OF HON. THEODORE R. NEWMAN, JR., CHIEF JUDGE, D.C. COURT OF APPEALS

ACCOMPANIED BY LARRY P. POLANSKY, EXECUTIVE OFFICER, D.C. COURTS

OPENING REMARKS

Senator SPECTER. I regret being late, but the Conference on Civil Rights was meeting, and when I arrived, I followed Senator Mathias, so we are 8 minutes late getting started.

I hate to detain the Chief Judge of the Court of Appeals, Judge Ugast, and Mr. Polansky as well. I welcome you here for this hearing of the Committee on Appropriations, Subcommittee on the District of Columbia, and our first witnesses are the Honorable Theodore R. Newman, Jr., Chief Judge, District of Columbia Court of Appeals, and Mr. Larry P. Polansky, Executive Officer, District of Columbia Courts.

Thank you very much for coming.

STEPPING DOWN OF JUDGE NEWMAN AS CHIEF JUDGE

Judge Newman, I note that this is to be your last appearance here as Chief Judge. I am told that you are leaving your position, your term, having fulfilled the commitments of your term, and you have certainly done an outstanding job, and I commend you for that. Your service has been very distinguished, and we thank you for it.

OPENING REMARKS OF JUDGE NEWMAN

Judge **Newman**. Thank you, Senator. I have submitted a written statement for the record.

All I would say about that, because I would rather talk about something else, is that for the first time in 8 years as Chief Judge, I am unable to back my Mayor.

Generally, I have stood by the recommendation, as to our budget, that comes out of the District government, particularly since the budget we are talking about is a budget for my successor, not for me. I feel compelled to urge strenuously that the $80,000 difference between our request and what the District government has recommended, is vitally needed by the Court of Appeals, and I mean that with all sincerity.

Having said that, if you will indulge me a moment. It has been a most rewarding experience dealing with both the Appropriations Committees on both sides of the Hill, and the substantive committees dealing with the court system on both sides of the Hill.

I go back to Lawton Chiles, and then to Senator Leahy, I recall graphically when Senator Leahy was chairing this committee, we were trying to get money for a decent library for the D.C. Court of Appeals. I invited Senator Leahy down to have lunch with me at the courthouse—not really for lunch, but to show him our library—and he said to me, "Ted, I had a better library than this when I was the attorney general of my State. You will get your money." And we did.

Then Senator D'Amato, who was a mystery to the people of the District of Columbia when he became chair of this committee, but proved to be a staunch friend to the courts of the District of Columbia. He started the process that, ultimately, you completed, in enlarging the size of the Superior Court.

And then to you, Mr. Chairman, you were no mystery to me. I go back in my recollection of Pennsylvania politics to Red Duff. I remember the pilgrimage I made to Harrisburg to talk to Bayh and Truax on something called a "Draft Scranton" campaign. I go back to Hugh Scott, with Bob Kunzig, Dave Newhall, a number of others.

A dear friend of mine just retired from the local trial court in Philadelphia, a gentleman who you have been a friend to, Paul Dandridge. So when you became chairman of this committee, you were no mystery to me, and my expectations have been fulfilled, for you too have been a friend of the District of Columbia, and particularly its courts.

I would be remiss if I did not mention two other people on the substantive committee of this body. I read with regret this morning that Tom Eagleton is not going to seek reelection. The other one I have reference to is McC. Mathias, my guru. McC. Mathias, as much as any human being, was responsible for my appointment in 1970 to the Superior Court. Between Senators Mathias and Eagleton, in 1976 when my nomination to the Court of Appeals reached the desk of the President of the Senate, 56½ hours before adjournment sine die, a nomination by a Republican President, at a time when it was clear that

Jimmy Carter was going to win the election, and I am the former vice president of the Republican Party in the District of Columbia, they managed to secure my confirmation. At 8:03 p.m., the night of adjournment, I was the only judicial nominee confirmed out of about 100 then pending.

On the House side, a man who has never gotten the credit for all he has done for the District of Columbia, the gentleman from Kentucky, Mr. Natcher. Anybody who passes by the Convention Center should know the story of how the District got that center.

And finally, the House Appropriations Subcommittee Chair, Julian Dixon, of California, a personal friend of mine, a person who I talked to about the need for the seven judges, in his apartment—which was in the same apartment building that I was then living in—in an off-the-record conversation. The Hill has been good to the courts of the District of Columbia, I can testify, at least for the last 8 years, and I have been deeply appreciative, and want to take this opportunity to say to you and those who I have dealt with before you, thanks.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Judge Newman. Your full statement, of course, will be made a part of the record, and we note your disagreement with what the administration has recommended, and of course, the Mayor's recommendations are based upon his own difficulties, and allocation resources, which we all well understand, but we will do our best on this subcommittee to make ends meet, as best we can.

So we thank you very much.

[The statement follows:]

STATEMENT OF HON. THEODORE R. NEWMAN, JR.

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my privilege to speak to you today regarding the budget of the District of Columbia Court of Appeals.

The Court of Appeals is requesting an appropriated budget of $3,213,000 for Fiscal Year 1985, which reflects an increase of $199,000 and one new position over the previous year's budget of $3,014,000.

The increase in personal services amounts to $55,000, reflecting a statutory judicial pay raise, funding for one new position, and the remainder for terminal leave and fringe benefits. The Mayor has recommended funding for the judicial pay raise only ($29,000). The new position requested, a microfiche operator, is required as a result of the vastly increased dispositions in the past few years, resulting in a large backlog in records disposition. Utilizing existing microfiche equipment and our own operator will save tens of thousands of dollars over the next few years, as compared with contracting for these services.

The 1985 budget reflects an increase of $144,000 for other than personal services. We have requested, in general, a five-percent increase for inflation in most areas, with additional specific increases for anticipated computer expansion and communications expenditures. The Mayor has recommended only $20,000 of the $86,000 originally requested, ignoring our very realistic computer requirements as well as inflationary increases in most areas.

The remaining $58,000 is the subject of a letter I wrote to the Mayor on February 2, 1984. Partly in response to the increase from $20 to $35 in the hourly fees authorized for attorneys for indigent criminal defendants under the Criminal Justice Act on January 23, 1984, this court similarly increased the hourly fees authorized for members of the court's Committee on Admissions and Committee on Unauthorized Practice of Law. These attorneys prepare, grade, and review the D.C. bar examinations and conduct investigations into the moral character of applicants for admission to the bar. The Unauthorized Practice Committee has become far more active in the last two years in investigating allegations that persons who are not admitted to the Bar of the District of Columbia have practiced law in this city. We anticipate that this level of activity will continue in the future. The anticipated increase in these expenditures is $58,000 per year. At the same time these expenditures were increased, and primarily to provide the city with adequate funds for this increase, the court raised the fee for admission to the District of Columbia Bar on motion from $200 to $300. This increase, coupled with a larger number of applicants for admission without examination resulting from a change in the bar rules, will result in an increase in Fiscal Year 1985 revenues of at least $150,000, thus providing more than twice the revenues necessary for the increase in committee member fees. Incidentally, we anticipate a gain in revenues of more than $200,000 this fiscal year (1984) as a result of this fee increase.

Our statistics indicate that the workload of the court continues at a high level and will increase significantly with the addition of seven new Superior Court judges this year. Modern case management techniques are used to expedite appeals, including early screening, pre-argument settlement conferences, the summary calendar, restrictions on requests for extensions of time, and computer-based suspenses for due dates. Retired judges are employed to hear and adjudicate appeals in the same manner, but to a lesser extent than active judges, in an attempt to keep the pending caseload from growing faster than it otherwise would. A failure to approve the court's budget, including the full amount requested in my letter to Mayor Barry, will have a serious, detrimental effect upon the operations of the court, as we would undoubtedly be constrained to reduce staff to assure that other expeditures are met; the predictable result would be an inability to process our caseload, longer delays, and a larger backlog.

We believe our overall request to be most reasonable and in keeping with our minimum needs and priorities as well as the judicial and fiscal requirements of the city.

On behalf of the Court of Appeals, I request that the Subcommittee give favorable consideration to our realistic Fiscal Year 1985 request.

STATEMENT OF MR. POLANSKY

Senator SPECTER. Mr. Polansky, it is a pleasure to turn to an old friend from Philadelphia, who is now a friend from Washington, D.C. I look forward to your testimony this morning.

Mr. POLANSKY. Thank you, Senator Specter.

I appreciate being here. First, on behalf of Judge Moultrie, his apologies. He was taken ill last night, and is not able to be here this morning.

Senator SPECTER. I understand he has missed 3 days, in how many years, and this is one of them?

Mr. POLANSKY. Well, he has been on the Bench for about a dozen years.

Senator SPECTER. It is represented to me that out of 12 years he has missed 3 days. That is a pretty good record.

Mr. POLANSKY. Not bad. Of course, I have not missed 3. I think I have only missed 2, but I have not been here 12 years.

On behalf of Judge Moultrie, I would like to give what was to be his spoken statement, very much a summary of the submitted statement. I believe it will take about 5 minutes, if I could be permitted.

Senator SPECTER. Yes; proceed, Mr. Polansky.

PREPARED STATEMENT

Mr. POLANSKY. Senator Specter, it is a privilege to speak today on the budget of the Superior Court for fiscal year 1985.

I would ask that the formal testimony of Chief Judge Moultrie be included in the record.

Senator SPECTER. It will be, without objection, included in full.

[The statement follows:]

STATEMENT OF HON. H. CARL MOULTRIE, I, CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is a privilege to speak today on the budget request of the Superior Court for Fiscal Year 1985.

The Superior Court is requesting a total operating budget of $38,972,000 which reflects an increase of $4,586,000 over the Fiscal Year 1984 budget. The City's recommendation of $35,595,000 is $3,377,000 less than the Court's request and, I must point out, does not include $1,006,000 approved in the Fiscal Year 1984 budget for the salaries of the seven new judges and their supporting staff, which were authorized and funded, primarily, through your extraordinary efforts on our behalf. It is expected that these judges will begin hearing cases within the next few months.

With this in mind, it is imperative that the Congress approve the 57 new positions requested. Since the staffing authorized by the Congress along with the judges only represents direct support needs and does not address the myriad of duties required of those who work in indirect supporting roles, the additional judges will exacerbate an existing critical situation. With an already overburdened staff, which necessitated our requesting those positions even before the authorization for the new judges, an increase of seven (10%) in the judicial staff served will seriously affect our understaffed operation. The positions being requested are vitally needed to process the existing case load in the Criminal, Civil and Family Divisions of the Court as well as in the Court's Social Services Division.

The details of our request are:

CLERK OF COURT:

Deputy Clerk of Court and Secretary (2 positions), $84,000

Consistent with D.C. Code 11-1721, the Clerk of the Court has been delegated the responsibility for the management of all non-judicial staff in the Jury Office, Appeals Coordinator's Office, Marriage Bureau, Attorney Advisors, Library and the Civil, Tax, Criminal, Family and Probate Divisions. These operational units provide the principal support to the judiciary on a day-to-day basis and maintain official dockets and records of Court proceedings. The present staff of the Office of the Clerk of the Court consists of the Clerk and his administrative assistant. The lack of sufficient staff in the Office of the Clerk inhibits optimal coordination, auditing, monitoring and review of the current procedures as well as the maximum implementation of innovations in the management of Court operations. Additionally, the Court has embarked on the development of essential operations guidelines for consistency in uniformity and continuity of operations and performance. Accordingly, the creation of the position of Deputy Clerk of the Court (CS-15) is of utmost significance for the strengthening of Court management. It is a much warranted link in the Court's continuous effort to minimize case delay, improve jury management, provide leadership and guidance to Court personnel, and coordinate staff development.

The position of Secretary (CS-8) to the Clerk of the Court will provide the necessary secretarial support for coverage of this most important office.

Appeals Clerk, Appeals Coordinator (1 position), $24,000

A staff of three in the Appeals Coordinator's office coordinates appeals from the civil, criminal, probate, family and tax divisions of the

Superior Court to the D.C. Court of Appeals. This Appeals office is responsible for informing appellate attorneys of appeal procedures, keeping Superior Court judges informed of pertinent appeal rulings and preparing and transmitting records to the D.C. Court of Appeals. While the composition of this staff has remained constant since Court Reorganization, the number of cases appealed (especially civil matters which have increased by 74%), has steadily mounted. To be able to provide the necessary information and to stay current with the increasing work load, a CS-8 Appeals Clerk position is required.

Interpreter Services Coordinator (1 position), $35,000
With the recent increase in the Hispanic population, the international atmosphere of the District of Columbia as our nation's capital, and an unexplained but substantial increase in hearing and speech impaired persons involved with the Court, interpreter services and coordination in the provision of these services is a major concern of the District of Columbia Courts. The Interpreter Services Coordinator would be responsible for developing a source list of qualified interpreters for trial and non-trial matters. The Court would implement and expand an emergency interpreter program to provide interpreters for situations demanding the immediate provision of interpreter services in criminal, juvenile, small claims and landlord and tenant situations, and maintain a core of court staff and community volunteers to assist in situations where persons, because of language barriers or speech and hearing impediments, cannot communicate with the Court. This individual would assist in locating and most efficiently deploying these interpreter services and would develop a system and procedure to identify needs and provide services to the many courtrooms and public court offices in the Superior Court.

HEARING COMMISSIONERS:
Hearing Commissioners, Family and Criminal Divisions (5 positions), $182,000
It is essential that two additional Hearing Commissioners be authorized to help with the burgeoning work load of the judges in the Family and Criminal Divisions. These Hearing Commissioners may determine pretrial release or detention; conduct preliminary examination; appoint counsel for indigent defendants; issue a judicial summons or warrant for a defendant's failure to appear in Court; assign trial dates; and perform other of the more administrative duties which allow judges more time to try serious cases.

The approval of two CS-15 Hearing Commissioners and the necessary staff support, 2 CS-8 Secretaries and one CS-4 Bailiff, is urgently requested.

RETIRED JUDGES' SUPPORT STAFF:
Retired Judges' Support Staff (5 positions), $139,000
Each active full time judge of the Superior Court is statutorily provided with a law clerk, in order to maximize bench time and provide necessary research support. At the present time there are nine retired judges actively serving the Superior Court an average of six to ten months each per year. This group of judges has only one law clerk to provide the extensive legal research necessary to respond to the many and difficult legal questions which arise in the controversial cases which they hear. In order to maximize their bench time and their services, it is essential that three additional CS-10 full time law clerks be provided.

To date, secretarial support for these judges has had to be provided by one secretary assigned on a permanent basis and the detailing of secretarial personnel from other units. It is imperative that we acquire at least two full time CS-9 positions to provide adequate retired judge secretarial support.

EXPANDED IV-D PROGRAM:

Expanded Title IV-D Program (4 positions), $114,000

With a 25% increase in new paternity and support cases filed since 1981, a 150% increase in the number of cases (both new filings and enforcement proceedings) calendared in the most recent two years, and a 207% increase in the number of enforcement proceedings which involve the issuance of writs of attachment without hearing, the present staff cannot possibly process its work on a current basis. Further, it is our understanding that the City is sponsoring an even more extensive effort in this area. The current effort already represents an average total work load increase of 96% over the past two years. Three CS-6 Docket Clerk positions are needed (a 43% increase in the number of clerks available to handle this work load increase) along with one CS-15 Hearing Examiner. The Hearing Examiner position is absolutely essential if the Court is to be expected to be able to process these cases in a timely fashion.

CHILD SUPPORT ENFORCEMENT:

Support Enforcement Unit, Senior Case Monitor and Case Monitors, Domestic Relations Branch (4 positions), $98,000

This is to establish the Child Support Enforcement Unit (CSEU). The Unit will monitor compliance with Court-ordered alimony and/or child support orders which are not covered by the federal Title IV-D program, and will enforce the orders automatically through a series of legal actions. This automatic enforcement process has several benefits for families: it eliminates the need to hire an attorney to bring legal action to collect support payments due and it promises to significantly reduce the incidence of large arrearages accumulating before action is taken. It is a simple, direct and speedy means of resolving the significant problem of non-payment of support and should eliminate a large number of future Aid For Dependent Children (AFDC) cases. It is anticipated that each of the three CS-8 Case Monitors will handle between 300 and 400 active cases. A CS-9 Senior Monitor will have supervisory responsibility for this staff and will eventually supervise six case monitors.

SPECIAL OPERATIONS (CENTRAL RECORDING) BRANCH:

Recording Technician (1 position), $22,000

There are three employees in the Central Recording Room: one supervisor and two technicians. This staff has operated and maintained the system from its outset (six years ago) when there were 12 recording units compared to the 48 units presently in operation. The staff no longer has time to service the equipment properly or on a timely basis. Courtroom equipment maintenance is only performed by the staff when it breaks down. This equipment should be maintained on a regularly scheduled preventive maintenance program. The filling of transcript requests should be accomplished within 24 hours, but with the present staffing this process takes two to three days.

One CS-7 Recording Technician position will allow time to perform the necessary preventive maintenance, and for the timely filling of transcript requests.

CIVIL DIVISION:

Interview and Judgment Clerk (1 position), $22,000

Because of the tremendous increase in the volume of new cases filed and the increase in the amount of activity in these cases, the work load in the judgment section of the Civil Actions Branch has become staggering. The judgment section is primarily responsible for assisting pro-se litigants, entering default judgments after careful review of the file and issuing all types of writs of execution. The present staff of three (3) cannot keep up with the continuing increase in activity in spite of the office implementing measures to streamline operations and to reduce the number of services provided to the public and bar. The number of writs of execution issued increased by 55.9% in 1983 over 1981, and by 110.2% from 1980 to 1983. The number of telephone assistances increased by 44.4% in 1983 over 1981 and by 85.2% from 1980 to 1983. The number of personal assistances increased by 85.3% in 1983 over 1981. The Judgment Office averages 109 personal interviews, 68.2 telephonic assistances, 67 writs of execution and 14.4 default judgments each day and performs many other important tasks.

File Monitor (1 position), $15,000

One of the most difficult problems in any court system is that of keeping track of case files so that they can be located when needed. The traditional charge out system is utilized in an effort to record the location of a file, but, it is woefully inadequate in terms of monitoring the movement of files. Over 300 requests are made daily for files by the public and bar. Many requests are for more than one file. Another 300 or more files are moved from the file room to other areas of the Court for processing or disposition. Presently, resources are not available to monitor files requested by the bar and public to assure that they are returned after they are reviewed or taken to another office. Files which move from one office to another for processing cannot be updated in the file room because of the lack of resources. Scores of non-productive hours per week are spent by staff looking for files that are not in the file room.

The Civil Division has successfully tested a pilot file tracking system which is designed to monitor and track the movement of files as they move from one office to another for processing or disposition. However, a full time file monitor will be required to operate the monitoring and tracking system.

Computer Data Entry Clerks (4 positions), $62,000

The Civil Division is currently in the process of developing an on-line computerized information system. This system will have the capability of doing many necessary tasks which are not now possible because of the time and manpower required to do them manually. The operation of the system will not eliminate or replace functions which are currently being performed by Civil Division personnel but will enable the performance of these functions in a more effective and efficient way. It will provide the Civil Division with more timely, accurate and comprehensive management information, as well as support for many operational tasks.

Over 1,500 pieces of information ~~per day will need to~~ be entered into the computer in the Civil Actions Branch alone. This information includes papers and pleadings filed by counsel, orders and judgments filed by the court, entries recorded on the court file and actions taken by court staff in processing and disposing of civil actions. The data will have to be deciphered, identified, categorized and then entered into the computer. In order to handle this volume, the Civil Division will need four (4) data entry clerks at the CS-5 level.

Bailiff, Courtroom Support Branch (1 position), $14,000

The Courtroom Support Branch has three (3) Bailiff positions. There are usually 12 active judges and at least two (2) senior judges assigned to the Civil Division. This situation requires that a bailiff be taken from a high volume court (where he or she is greatly needed to work with a clerk). Frequently when courtroom clerks or bailiffs are on leave, courtrooms for senior judges (and occasionally for associate judges as well) cannot be staffed, thereby reducing the capacity of the Court to dispose of cases. An additional bailiff position is needed to help cover the statutory or high volume courts as well as to assist in trial courts when necessary.

CRIMINAL DIVISION:

Courtroom Clerk, Serious Misdemeanor Branch (3 positions), $64,000

With a full complement of judges, an increase in the number of retired judges actively serving and an increased case load, it has become impossible to provide all courtrooms with courtroom clerks. As a result, clerical staff has to be frequently detailed to courtroom duty. This practice, of course, causes delays and breakdowns in other areas such as calendaring, recordkeeping and other related functions. To continue in this fashion is detrimental to the quality of service provided. Three CS-8 Courtroom Clerk positions are required to address these conditions.

Special Proceedings Clerk, Special Proceedings Branch (1 position), $22,000

The shortage of clerical staff in the Special Proceedings Branch has resulted in a steady flow of personnel from other offices being shifted in and out in an attempt to keep up with the daily work load. Of course, this occurs at the expense of the proper functioning of those other operations and results in a constant strain on the assigned office staff in retraining of personnel in connection with Special Proceedings functions.

Contact Clerk, Special Proceedings Branch (1 position), $17,000

At the present time, there are only two Contact Clerks authorized in the Special Proceedings Branch. In order to keep abreast of the work load, personnel from other areas are detailed to assist. This detailing of employees from other areas is only a stop-gap measure and has adversely affected operations in the File Room. A recent survey revealed that the File Room responds to more than 500 inquiries each day. Additionally, the file inventory exceeds 500,000 court jackets. A new CS-6 Contact Clerk position is necessary to provide minimally adequate support.

DATA PROCESSING DIVISION:

Computer-Systems Programmer (1 position), $35,000

The Superior Court of the District of Columbia is depending more and more on computer support. Court calendaring, Criminal and Juvenile case tracking and many of the management decisions of the Court are directly or indirectly affected by computer generated information. This dependency on computers is not a short-term phenomenon, but a long-term trend. The ability of court personnel to manually search thousands of records to determine the criminal profile of an individual in a timely manner to provide data to assist in a detention/release decision, for example, is nearly impossible. Frequently, persons arrested for a minor violation have been released only to discover later that they had a long history of more serious offenses which might have had an affect on the release decision. Computers, when properly applied, can help prevent this. One key member of any computer Department is the person responsible for keeping the computer running. A person with unique skills is necessary to diagnose a problem and get the computer "up" as soon as possible. This person is the Computer-Systems Programmer. Circumstances have arisen in the past when the computer system was "down" for extended periods of time due to a computer systems programmer not being available.

Computer Operations Shift Supervisor (1 position), $28,000

Currently, the Superior Court attempts to cover all production shifts on a six day schedule with three computer operators. This leads to instances when only one operator is available to run an entire shift's work load. Occasionally this results in some application being run incorrectly, which could contribute, for example, to Judges' Calendars being incorrect or inaccurate and to major court disruption. Experience has shown that a minimum of two operators are needed to run the work load of each "shift" and to avoid operator errors.

A shift supervisor with operator experience would insure that all jobs would be reviewed and that errors would be discovered early enough to allow them to be corrected without impacting court operations.

Computer Operator (1 position), $19,000
As noted above, the Superior Court is currently forced to rely on one computer operator to process the work load of an entire "shift." This has led to numerous processing errors, missing reports and costly re-runs. Because the court relies heavily on the computer for its daily operation, these occurrences lead to major disruption of court operations.

FAMILY DIVISION:
Administrative Clerk, Mental Retardation Branch (1 position), $22,000
This branch coordinates hearings for approximately 175 cases each month; because each case involves at least seven parties (the patient, patient's attorney, Corporation Counsel, advocate, facility, patient's family and hearing commissioner), upwards of 1200 individuals must be contacted monthly. In addition: continuances must be permitted in approximately 40% of all cases; the inevitable turnover in attorneys and advocates must be coordinated; attorney vouchers prepared; and docket entries made. It is a labor intensive process, which must be done manually, and obviously, accuracy is essential.

In addition, the branch is mandated by P.L. 2-137 to recruit, train and coordinate lay advocates on behalf of mentally retarded patients. There are 185 advocates in this program, the majority of whom handle multiple cases (there were 866 cases in the Court system as of October 1, 1983, and each requires an advocate at all hearings). Again, this level of manual coordination is time-consuming and labor intensive, particularly, since Court appearances must be integrated with the advocates' regular daily schedules.

The three staff positions in this branch are not adequate for the work load described. An additional position is requested to enable the office to maintain a reasonable level of accuracy and timeliness.

FINANCIAL OPERATIONS DIVISION:
Assistant Supervisor, Family Finance Office (1 position), $21,000
Because of the nature of its business of receiving and disbursing alimony, maintenance and support payments, in addition to regular Domestic Relations financial matters, the Family Finance Office is the largest and deals with the most complex matters in the Financial Revenue Branch. Cut backs and loss of continuing full time positions, over the most recent years, have resulted in the reduction of the staff from twelve to nine positions without a concomitant reduction in work load.

With the establishment of this position, it would be possible to consolidate several duties such as researching returned support checks from the Post Office and processing inquiries from payees who claim non receipt of payment or from payors claiming payment was sent but not received by the Court. Recent Congressional mandates and the Court's support enforcement initiative have required the collection efforts of support payments to become more effective which, in turn, has contributed to the more than normal growth rate of the volume of activity for the office.

PERSONNEL DIVISION:
Personnel Management Specialist/Deputy Director of Personnel (1 position), $43,000
The D.C. Court Reform Act (Public Law 91-358) and D.C. Law 2-139 provided the Court System with the authority and, more importantly, the responsi-

bility for establishing a personnel system independent of the Civil Service System of the U.S. and District of Columbia governments. In the exercise of this responsibility, the Joint Committee on Judicial Administration has developed personnel policies and procedures. The limited size and expertise of the existing personnel staff has affected the ability of the Court to effectively implement all of these policies and procedures. A Personnel Management Specialist/Deputy Director of Personnel at the CS-13 level is needed to: assist in improving, monitoring and evaluating the Court's personnel program; handle employee/employer relations; and, counsel management and employees. The Deputy would also assume the responsibility of Equal Employment Officer and provide a beginning for organizational continuity in this critical office.

PROBATE DIVISION:
Auditors (2 positions), $50,000
The elimination of special bond requirements under the Probate Reform Act of 1980 has resulted in a dramatic increase in the number of accounts filed. With the current staffing level, the pending audit case load ranges from 1,200 to 1,500 accounts and is increasing. The addition of two CS-9 Auditor positions would reverse the current trend of mounting backlogs and would assist in reducing the beneficiaries' waiting time for estate distributions.

Deputy Clerk/Supervisory Auditor (1 position), $42,000
In April 1981, the fiduciary auditing function and staff of the Auditor-Master Division were transferred to the Probate Division. To date, the fiduciary auditing branch and the probate estate auditing branch have functioned independent of one another. In order to merge the two operations, coordinate the work load assignments and deploy the resources of the Division so as to maximize productivity, a CS-13 Deputy Clerk/Supervisory Auditor position is required.

RESEARCH, EVALUATION AND SPECIAL PROJECTS DIVISION:
Statistical Analyst (1 position), $31,000
This Division is responsible for the preparation of statistical management and research reports for use in monitoring Court operations, preparation of legislative testimony and inclusion in the Court's Annual Report. The Division also conducts research and other special projects which usually include a data processing component. For all of these functions, close coordination with the Data Processing Division is required. Present staffing precludes the type of close coordination and interaction needed between the two Divisions. It is expected that there will be increasing need for a better interfacing of the functions performed by the two Divisions. This is especially the case since the Court is improving the quality and type of data collected for use by Court managers and also is expanding the nature and scope of research and evaluation projects undertaken for judges and other Court officials. It is essential that the Court bridge the existing gap between research requirements and data processing outcomes. A Statistical Analyst (CS-11) position is requested for this purpose.

SOCIAL SERVICES DIVISION:
Supervisory Probation Officer, Adult Branch (1 position), $41,000
Probation Officers, Adult Branch (9 positions), $259,000
Probation Clerk, Adult Branch (1 position), $17,000
Since its creation in 1971, the Social Services Division has continually worked and reworked its resources to accommodate the demands of an increasing work load. During this period, not one additional Supervisory Probation Officer or Probation Officer position has been added to the Division's personnel allocation. Between 1976 and 1983 the Divi-

sion's probation supervision case load increased by 37.8 percent from 7,885 in 1976 to 10,865 in 1983. Concurrently, the number of diagnostic Court reports for the judiciary increased by 34.2 percent from 8,132 reports completed in 1976 to 10,911 reports completed in 1983.

The Social Services Division, and especially its Adult Branch, is insufficiently staffed to manage the work load at hand. Division/Branch workunits (numerical values reflecting actual times needed to perform tasks) are beyond maximum operational levels for each staff member. Furthermore, projected future deficits for probation staff/work load ratios are even more pronounced. The Adult supervision case load alone grew at a 26.5% annual rate over 1982 levels. To merely continue handling these projected work loads at capacity levels, the Division requires creation of an additional probation team for assignment to the Adult Branch. This team would be headed by a Supervisory Probation Officer, and consist of from six to nine Probation Officers, and a Probation Clerk. The team would be designated to perform either diagnostic or supervisory functions within the Adult Branch. Any remaining positions will be assigned to other Adult teams where the need for service provision is most critical.

The Division's Adult supervision work load increased at an annual 26.5 percent rate during 1983. By the end of December 1983, the Division was supervising 9,919 adult criminal offenders which already reflected an increase of 2,078 cases over 1982 year-end totals. At the same time, the Division as a whole was supervising 10,865 adult and family matters or 231 more cases than 1982 year-end totals. The Division minimally assumes that its growth rate in the next two-to-three years will continue at levels experienced in recent years. This experience indicates a steady rise in needed adult services.

A Probation Clerk is needed to perform a variety of secretarial and receptionist functions for the new probation team to be created in the Adult Branch. Among the duties required by this position are the typing and preparation of reports, records/files maintenance, information processing, and the preparation of statistics and other records required by the supervisor and team members.

Word Processing Specialist, Report Production Center (1 position), $18,000

A Word Processing Specialist is needed for assignment within the Report Production Center to handle additional report production requirements that will result from the creation of a new probation team in the Adult Branch. The Social Services Division produces all of its Court reports in a centralized automated pool operation which utilizes modern word-processing and dictation equipment staffed by highly proficient Word Processing Specialists. This position receives report information via dictation-transcription equipment which is then entered into an electronically controlled word processor.

SUPERIOR COURT PROGRAMS:

Street Law Diversion Program, $45,000

The Street Law Diversion Program is a juvenile delinquency prevention program which diverts youth who have agreed to a Consent Decree from traditional probation services into weekly law-related classes. While in class, youths learn the personal and community-wide consequences of delinquent behavior as well as basic coping skills. The classes involve students actively in learning by utilizing teaching techniques designed to improve attitudes and behavior. Youths are required to report to 12 consecutive Saturday classes. This is more than is required in traditional supervision. Youths are investing time and effort in deterring further criminal involvement. At the same time, they are having a positive educational experience. Since 1979, the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice has supported this highly effective program. This funding is no longer available.

It is estimated that $45,000 in contractual services funding will be required in Fiscal Year 1985 for administration of this program, enabling diversion of approximately 175 youths from traditional probation services.

Child Abuse and Neglect Program Legal Service Fees, $566,000
This, originally grant dependent, program was funded, as a general fund program, in FY '83. Its annual appropriation, in FY '83 and FY '84 was $273,000. This sum provides attorneys for both parents and children in some 7,000 hearings annually, at a flat rate of $30 per hearing, with a limit of three hearings per case per year. (Appointment of counsel is mandated by D.C. Code, Section 16-2304.)

The request for an appropriation of an additional $566,000 is intended to conform attorney compensation in neglect and abuse cases with the recently-approved CJA rates. Present rates do not compensate attorneys for any out-of-court time, yet many attorneys report that heavy client contact is required, which, along with legal research and preparation of documents, is essentially done at the attorney's expense. Cases which require unusually complex, time-consuming hearings are also processed at the attorneys' expense. Further, the typical neglect and abuse case stays in the legal system throughout a child's minority, so that the issue of underpaying an attorney compounds itself as the case goes through years of mandated reviews. Given the nature of neglect cases, which are often emotionally wearing, the present system penalizes attorneys and increases the administrative burden on the Court which has the responsibility for attorney recruitment, training and management of the resultant attorney turnover.

MANDATORY PERSONAL SERVICE INCREASES FOR EXISTING STAFFING:
Within-grades, $407,000
This funding request is necessary to provide for the within-grades which are required by law to be given to eligible employees. The Court cannot absorb this mandatory cost. To do so would mean that 15-20 existing critical court support positions would have to be held vacant when employees leave and would, inevitably, result in a significant cutback in the services the Court provides to the citizens of the District of Columbia.

Judges-4% Pay Raise, $112,000
A Superior Court judge's rate of compensation is, statutorily, 90% of the rate prescribed for a judge of the United States District Court (D.C. Code, Sec. 11-904(b)). Effective December 18, 1982, a 4% judicial pay increase was authorized by law. The fiscal year 1984 budget had already been submitted when we learned of this increase and, therefore, it was not included in that budget. (The Court has submitted a supplemental budget to fund this mandatory expense in fiscal year 1984.)

Reallocations, $418,000
In conformity with Title 11, Section 1726 of the D.C. Code, a number of positions in the Superior Court must be reclassified to make them comparable to "other employees in the ... Federal and District of Columbia Governments occupying the same or similar positions ...." The additional annual personnel compensation and benefits cost for implementing these reclassifications would result in an increased funding need of $418,000 in fiscal year 1985.

Overtime Pay, $75,000

Numerous statutes and Superior Court Rules require that certain operations of the Court (e.g., criminal arraignments, new juvenile referrals, small claims) be open to conduct business on weekday evenings, holidays or on Saturdays. These services generally require services of the financial unit and Social Services as well as normal courtroom operation support personnel. Previous position reductions and vacancies created by inadequate funding have made it impossible to cover these hours through the use of "FLEX" time. Overtime is the only possible solution and it is estimated that the cost of such overtime will approximate $75,000 in FY 1985.

SPECIFIC DIVISION INCREASES (OTHER THAN PERSONAL SERVICE):

Computer Hardware and Software (Data Processing Division), $102,000

Sixty seven thousand dollars ($67,000) for computer hardware is requested to permit the court to acquire telecommunications equipment, computer terminals, computer printers, communications controllers and terminal adapters. Only with this "on-line" equipment can the court utilize and improve its data processing applications, increase its effectiveness and maximize the use of the court's computer capabilities.

An additional $35,000 is needed for a computer software module to integrate with the court's IDMS Data Base Management System. This module would be used to help reduce the lead-time required to develop new court computer applications.

Word Processor, Office of Hearing Commissioners (Family Division), $12,000

The Hearing Commissioners' Office consists of four commissioners, four clerks and two secretaries. For the quarter ending June 30, 1983, the office processed 4,300 cases, ranging from child support and uncontested divorces to mental retardation hearings. This large number does not include numerous telephone calls, requests for continuances, presentation of orders and movement of files which accompany the process of hearing cases.

The two secretaries are inundated with typing. Word processor capability would speed their typing and simplify processes which now must be done in stages. Draft orders, the most time-consuming example, must now be typed, and mailed to both attorneys for correction and, when returned, retyped. With a word processor, many orders could be prepared immediately after the hearing and corrected at once, saving needless secretarial work and speeding the disposition of the case. Additionally, the administrative headache of manually tracking outstanding orders could be substantially reduced.

Word Processing Unit (without printer), Report Production Center (RPC) (Social Services Division), $5,000

An additional word processing unit will be needed in the RPC with an increase of nine new Probation Officers included in the FY '85 budget submission. It is anticipated that the majority of these positions will be assigned to diagnostic report writing functions due to the Division's rapidly growing case load in this area. This will directly increase work volume in the RPC. This unit is to be used by the Word-Processing Specialist which has been requested in this budget.

Remote Printing Capability for Traffic Alcohol Court Reports (Social Services Division), $3,000

During the past year, the emphasis on traffic/alcohol offenses and sentencing thereon in the District of Columbia has caused a significant increase in requests for presentence reports by the Court's judges in traffic alcohol cases. In the past, screening reports using check-off or hand-written formats were sufficient; judges are now requesting more in-depth, formalized reports in alcohol-related offenses. To meet this requirement, the traffic/alcohol probation staff have begun having their reports processed through the Division Report Production Center, which is located some two blocks from the main court building. A delivery system had to be established for timely report submissions which is cumbersome, and labor intensive, and, on several occasions, has required special deliveries in order to have reports available to the judges at the time required. The equipment requested will eliminate the manual delivery process. Contemplated is a system whereby the word processor clerk can have the report printed directly at the Traffic/Alcohol Program Office. This should significantly increase TAP's operational efficiency which involves the preparation of over 100 reports per month.

Rental of Photocopy Machine (Social Services Division), $6,000
The Northwest Field Unit which houses two probation teams (one adult and one family team) is located at 3020 - 14th Street, N.W. The Southeast Field Unit which houses a Family Branch probation supervision team is located at 2200 Martin Luther King Avenue, S.E. Both locations are considerable distances from the Courthouse area.

A modern photocopying machine is needed in each of these field unit locations. Present machines are in need of constant repair, and this "downtime" reduces office efficiency, tends to delay the timely reproduction of reports for Court, and results in staff time wastage.

Local Travel, Mental Retardation Volunteers (Family Division), $24,000
In June 1980, the D.C. Mental Retardation Volunteer Advocates Association was organized to comply with D.C. Public Law 2-137. The statute requires the Court to provide volunteer advocates for each petition filed on behalf of the mentally retarded citizens of the District of Columbia. To stimulate volunteerism and to off-set the onerous out-of-pocket costs imposed upon the volunteers, $24,000 is requested to provide for the transportation costs associated with the volunteer services.

The volunteer is required to make numerous trips each year: to Forest Haven (for visitation and Court hearings); to the homes of the mentally retarded citizens; and to the Court. In order for the Court to comply with the statute and maintain a roster of advocates, it is essential that the Court reimburse the above mentioned transportation costs for the advocates to ensure that the volunteers are providing the monitoring service for their clients and are able to be present at Court hearings as mandated by P.L. 2-137.

Screening and Diversion Program (Social Services Division), $32,000
In fiscal year 1982, after several successful years as a grant funded operation, the Screening and Diversion Program received appropriated funding in the amount of $213,400. Of this amount, $200,700 was to be available annually for contractual services. This is to request funding for the projected increase in the cost of contractual services due to inflation ($32,000) - a modest 5% increase per year for fiscal years 1983, 1984 and 1985.

SUPERIOR COURT-WIDE (OTHER THAN PERSONAL SERVICE) INCREASES:
Supplies and Materials, $143,000
Actual supply costs amounted to $346,679 in fiscal year 1983. Since only $202,500 is contained in our budget base for fiscal year 1984 an increase of $143,000 is required to fund this very basic cost of doing business at fiscal year 1983 price levels.

Printing and Reproduction, $62,000

$188,900 was provided for this expense item in the fiscal year 1984 budget. With printing costs amounting to $227,704 in fiscal year 1983 and an expected annual inflation rate of 5% for 1984 and 1985, printing costs will run an estimated $250,500 in fiscal year 1985. Therefore, a $62,000 increase is sought.

Postage, $74,000

In fiscal year 1983, postage costs amounted to $149,000. With a postage increase of 15% ($.20 to $.23) we anticipate our fiscal year 1985 mailing costs to reach $171,700. Since only $97,700 is provided for postage in the Court's budget base, the balance of $74,000 is requested.

Service Maintenance Contracts and Repairs, $69,000

The actual cost of office machinery maintenance and repairs amounted to $261,832 in fiscal year 1983. Anticipating a 10% per year inflation rate increase for fiscal years 1984 and 1985 plus $14,200 for ADP equipment added at the end of fiscal year 1983, a total of $69,000 will be needed in fiscal year 1985.

Equipment and Furniture Replacement and Rehabilitation, $88,000

The division heads of the Superior Court have identified numerous pieces of furniture and equipment that need replacement or rehabilitation now. This requested $88,000 is the amount needed over and above the level of funding available in the Court's budget base for such purposes.
By fiscal year 1985, much of the heavily used equipment which was purchased to implement the Court reorganization statute will have been in service at least 12 years (and probably much longer) and will be in dire need of replacement. It is estimated that $68,000 is needed for equipment replacement and $20,000 to rehabilitate those items which could provide added years of service to the Court if they were refurbished.

Training, $25,000

The Superior Court has 880 non-judicial positions with responsibilities for a wide spectrum of sophisticated skills and professions. Many of these jobs require the incumbents to remain current with state-of-the-art developments in their technical specialty if maximum productivity is to be achieved. Two examples of these technical specialties are computer programming and probation officers involved in counseling and mediation. In-service training opportunities must be made available if the Court is to attract and retain well-qualified individuals with up-to-date technical skills.

There are approximately 160 individuals in the Superior Court who have supervisory responsibilities. Far fewer than half of these have had the benefit of basic supervisory training. In a service-delivery, people-intensive organization such as the Court, basic management skills are imperative.

The Court is requesting $25,000 to fund job related training opportunities for its 924 judicial and non-judicial employees. This comes to $27 per employee per year, a very small amount to invest in the Court's primary asset - its staff. The money will be spent to purchase video tapes, provide on-site instructors for selected courses and as tuition support for technical training courses. In addition, a three day institute will be held to address substantive legal and administrative issues such as sentencing disparity, recent statutory changes and administrative procedural changes made to speed up caseflow management.

Witness Fees and Entitlements, $240,000

Actual fiscal year 1983 witness fees and related expenses amounted to more than $1,210,000. With added emphasis on addressing the City's criminal concerns it is conservatively estimated that witness costs will rise in fiscal year 1985 to a total of $1,501,000 — $240,000 above the current budget base allocated for this purpose.

Juror Fees and Entitlements, $530,000

A 23.7% increase ($530,000) in juror fees and entitlements between fiscal year 1983 and 1985 is anticipated. In fiscal year 1983, juror fees and mileage costs amounted to $2,176,000 and sequestered jury expenses to $61,000. As a result of the District of Columbia's intensified attention to the City's crime problems, the Court's increasing case load, and programs supported by the Congress, an even more dramatic increase in the number of criminal cases brought before the Court is expected in both fiscal years 1984 and 1985. We conservatively estimate that the cost for jurors will amount to $2,695,000 in fiscal year 1985.

Sequestered jury expense increases should only be influenced by a projected annual 10% inflationary factor which would bring these costs to $74,000 in fiscal year 1985.

Interpreter Services, $8,000

There have been an increasing number of instances where judges find themselves in a position where, in order to conduct proceedings in the courtroom, they require the services of an interpreter. In addition to foreign language interpreters, the primary need is for interpreters for the deaf. With an annual estimated need for such services for approximately 80 of these cases each year at an average cost of $100, $8,000 for interpreter services is needed. Attempts to obtain these services on a volunteer basis have met with no success.

In conclusion, the Court is not insensitive to the significant financial problems faced by the City, but must remind one and all that, in difficult times, the greatest pressures are thrust upon the justice system. Without adequate support for that system, chaos will, inevitably, result.

In closing, Mr. Chairman, I wish to thank you and the members of the Committee for the kind considerat[illegible]own the Superior Court in the past and hope you will look favorably [illegible] the Court's request for this year.

OPENING REMARKS OF LARRY POLANSKY FOR JUDGE MOULTRIE

Mr. POLANSKY. Thank you.

The Superior Court is requesting a total operating budget of just under $39 million, which represents an increase of approximately $4½ million over fiscal year 1984. The District is recommending about $35,600,000 which, I must point out, does not include the $1,006,000 approved by the Congress in fiscal year 1984, for the salaries of the seven new judges and their supporting staff, which were authorized and funded, primarily, through your extraordinary efforts on our behalf.

With the seven judges in mind, it is imperative that the Congress approve the 57 positions that Judge Moultrie has requested. The staffing authorized by the Congress, with the judges, only represents direct support needs, and does not address the myriad of duties required of those who work in indirect supporting roles, and in fact, the additional judges will exacerbate an existing critical situation.

There already was an overburdened staff, which necessitated the requesting of those positions even before the judges were authorized. Those judges represent an increase of seven, but they represent an increase of 16 percent in the judicial staff that will be serving the District of Columbia courts, and will affect the already understaffed operation. Those 57 positions are vitally needed to process the existing caseload in the criminal, civil, and family divisions, as well as to support the court's social services division.

As to the details of the request for fiscal year 1985, $1,540,000 represents salaries for those 57 new positions. Other personnel funds total $1,012,000. In addition, an increase of approximately $500,000 is needed in the budget base simply to keep pace with the continuing spiral of inflation. Those dollars would go for supplies and equipment, and so on.

The jury and witness fee appropriation requires an additional $770,000 as a result of the District of Columbia's initiatives addressing the District's intolerable crime problems, as well as the increased activity that is expected to result from the addition of the seven judges to the operation.

Further, permit me to draw your attention to two vital programs being requested: $566,000 for the legal service fees needed to carry on the Child Abuse and Neglect Program for which the appointment of counsel is mandated by the D.C. Code, and for which there is legislation in the Council to increase their rates to the same rates as Criminal Justice Act—CJA—attorneys.

Another $45,000 is requested for the Street Law Diversion Program for juvenile offenders whose cases result in consent decrees. The diversion program had been funded since 1979 by the U.S. Department of Justice, but we have been informed by the Street Law Program, that that funding is no longer available.

We also have a need for training funds, and for screening and diversion program funds, an even $24,000 for local travel for mental retardation advocates, who currently do not even get the carfare costs that it takes them to visit and take care of their wards.

FISCAL YEAR 1985 COST OF SEVEN NEW JUDGES

Now, as to the additional seven judges. I have to bring to your attention the fact that although the 1984 appropriation carried $1,006,000 to cover the payroll costs of the judges, and 28 support staff, those figures were calculated based on testimony given in 1983, on 1982 payroll levels. That figure, if it had been awarded in 1982, would now be $1,200,000, so that when the budget base is increased to cover the $1,006,000, it really needs to be $1,200,000, in order to cover the current salary level of those positions.

Senator SPECTER. You are saying it should be less, and not more?

Mr. POLANSKY. No; it should be $1,200,000 instead of $1,006,000.

Senator SPECTER. $1,006,000?

DELAY IN GETTING SEVEN NEW JUDGES

Mr. POLANSKY. Yes; as you know, Senator Specter, the District of Columbia Nomination Commission has submitted 21 names to the President for his consideration in appointing the seven new judges which were authorized, primarily as a result of your extraordinary efforts.

However, Judge Moultrie is deeply concerned because the legislative timetable seems to be working against us. It is a year since this committee recommended funding for those judges, and we still do not have them, and now it is apparent that the Congress will soon adjourn for the summer recess, after which only the most critical national issues will be addressed until after the November elections.

It is possible we could not have these judges until the beginning of next year, which would be horrendous.

Senator SPECTER. Mr. Polansky, I am very distressed that so much time has been taken, the long course of getting additional judges. You and I know that it is a long-term process, and that it is an unusual result to have it reach fruition, even to have it agreed by the House and Senate, as we did in 1983, and be signed by the President.

The bar association requested a 90-day period, instead of a shorter period, to process the studies.

Do you know what the status is with respect to when their recommendations will be in?

Mr. POLANSKY. It is about 30 days or less since the names went to the President. The President's limit is 60 days to review the 21 names, and to come up with the seven selections.

Judge NEWMAN. Sixty legislative days, the White House construes the statute to mean.

Senator SPECTER. So the President has had them for 30 calendar days?

Mr. POLANSKY. Less than 30 calendar days at this point.

Judge NEWMAN. They went to the President toward the latter part of May.

Senator SPECTER. I will see if I can expedite the matter to some extent.

Mr. POLANSKY. Thank you very much, Senator.

Senator SPECTER. He obviously has many, many matters on his agenda, but I will be in touch with Mr. Fielding and others at the White House, to see if we cannot get them appointed. Once we get them appointed, I think we can get the confirmation process through. We really ought to have them sitting. That ought not to be a matter which is deferred.

Mr. POLANSKY. This was Judge Moultrie's foremost wish, that you do whatever is possible to accelerate the process.

In closing, he would want to thank each member of the committee for the courtesy and consideration given to our pressing needs in recent years, and hoped that you would look favorably upon the Superior Court's request for this year.

Thank you.

PREPARED STATEMENT

Senator SPECTER. Thank you, Mr. Polansky, for your fine presentation on behalf of Judge Moultrie. We also have your complete statement and it will be placed in the record.

[The statement follows:]

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Court System.

The Court System is requesting a Fiscal Year 1985 operating budget of $15,738,000, an increase of $7,760,000 over Fiscal Year 1984. Over 97% of the increase ($7,540,000) and six of the ten positions are requested for the Criminal Justice Act program which provides for the defense of adults and juveniles in criminal matters. These funds are absolutely essential, in light of the implementation of Bill No. 5-293, "The District of Columbia Criminal Justice Act Amendments Act of 1983" effective October 12, 1983.

Based on a new executive branch policy defining and limiting the scope of the capital program, our "Training Room Improvements" project is included in the fiscal year 1985 operating budget. The City supports full funding ($57,000) for this capital project in the operating budget as it did when it was in the Capital Budget.

The remaining $163,000 of our request (2.1%) is for the operation of the Court System and is needed to provide for:

. Fiscal Year 1984 staff pay increase - 6%	$ 14,000
. within-grade increases	45,000
. 4% Executive Officer pay increase effective December 1982	3,000
. supplies and printing	11,000
. membership charges	7,000
. three (3) Court Transcriber positions	66,000
. one (1) position to perform security and custodial liaison duties in the main Courthouse	17,000
	$163,000

In detail, our requests are for:

Fiscal Year 1984 - 6% Pay Increase, $14,000

In order to provide for the 6% October 1983 pay increase $14,000 is requested. If the mandated salary increase is not funded, an already dangerously understaffed court support organization, consisting principally of court reporters, will be affected. This would call for a reduction in the staff which is a critical part of our work force.

Within-Grades, $45,000

This within-grade funding request is necessary to off-set within-grade advancements which are required by law to be given to all eligible employees.

December 1982 Executive Officer Pay Raise, $3,000

Title 11-1703(c) of the D.C. Code states that the Executive Officer is to be paid at the same rate as an associate judge of the Superior Court. The judges' rate of compensation is to be 90% of the rate prescribed for a judge of the United States District Court (D.C. Code, Sec. 11-904(b)). Effective December 18, 1982, a 4% judicial pay increase became law. This statutorily mandated cost was not included in our fiscal year 1984 budget and is not in the budget base.

Supplies and Materials, $6,000

This is to request funding for the projected increase in the cost of supplies due to inflation. There was a 12% rise in costs for fiscal year 1983 (and the same is anticipated for 1984 and 1985) but funding increases to cover inflationary costs were not provided in fiscal years 1982, 1983 or 1984.

Printing and Reproduction, $5,000

To provide for the anticipated effect of an 8% per year inflation rate on the cost of printed material over the three year period of 1983, 1984 and 1985, $5,000 is requested. Over 95% of the D.C. Court System's annual printing costs are for the publication of the District of Columbia Courts' annual report and the printing of the "Criminal Justice Act Appointment and Claim" forms which are basic to the operation of the Criminal Justice Act program - both required by statute.

National Center for State Courts Membership (NCSC) Charge Increase, $7,000

Membership in the NCSC provides the Courts with research and information services, and a variety of publications and library services unavailable from any other source. The Center conducts research projects on courts and court related subjects, serves as a valuable technical assistance resource and is a clearinghouse for the exchange of information dealing with court administration, practices and procedures. The 1985 assessment for the District of Columbia Courts is $7,000 above the funding level provided by appropriation in fiscal year 1982.

Official Court Transcriber (3 positions), $66,000

The Transcription Section of the Court Reporter Division consists of three transcribers and a supervisor. This Section is responsible for furnishing transcripts from the many courtrooms and hearing rooms which are electronically equipped with court-owned multi-track recorders and where court reporters are not assigned. The Transcription Section is equipped with several word processing units and a single printer. With the present staffing, two-thirds of transcript requests must be mailed along with the tapes to an outside transcribing firm, which results in loss of control over the process. The Court must pay delivery costs for the work to be sent outside and for it to be returned. The requested staffing would result in the Court furnishing all transcripts requested from tape recorded proceedings in-house. This would be a much more secure, efficient, timely and cost-effective process. Three additional CS-8 Official Court Transcriber positions will provide the Court with this required in-house capability.

Security and Custodial Liaison (1 position), $17,000

The District of Columbia Courts have no staff assigned to work in the main Courthouse during the evening hours when custodial tasks are performed and the safeguarding of the building and equipment is most critical. There are many instances when energy is wasted with lights and office machines left on and heating and cooling systems improperly set and there have been significant equipment losses as well. It is critical that roving surveillance, on a predetermined schedule be performed in order to maximize security in the building and to provide timely evaluation of the quality of custodial services. We will be able to conserve energy, effect cost savings, maximize Courthouse security "after hours" and improve the quality of custodial work performed in the D.C. Courthouse through the CS-6 position requested.

CRIMINAL JUSTICE ACT PROGRAM, $7,540,000

Appointment of and Claim Processing for Indigent Criminal Defense (6 positions) $140,000

Fees Examiners and File Clerk, Criminal Justice Act Finance Unit (4 positions) $76,000

The Criminal Justice Act Finance Unit has been staffed with five employees (four fees examiners and a unit chief) since it was established in fiscal year 1975. The number of vouchers processed through this unit has steadily increased during each of its eight years of operation (for example, 17,600 vouchers in fiscal year 1978, 19,300 vouchers in fiscal year 1980, 22,500 vouchers in fiscal year 1982, and 28,700 vouchers in fiscal year 1983). The unit is no longer able to keep pace with the work load. We project that during fiscal year 1985, 32,000 claims will be submitted to the unit for examination and payment. In order to maintain the process and control of this extremely heavy flow of vouchers we need 3 additional Fees Examiners (CS-7). In addition, a CS-4 File Clerk is needed so that the fees examiners may devote their full time and attention to the examination of claims.

Criminal Justice Act Plan, $64,000

Title 11-2601 of the D.C. Code authorizes the Joint Committee on Judicial Administration to prescribe a plan for furnishing representation of indigents in criminal cases. The current plan as approved by the Joint Committee on

Judicial Administration calls for the establishment of the Criminal Defense Assignment Unit. This program is designed to remove judges from the conflict inherent in the CJA appointment process.

After thorough review and analysis on the part of the Courts and Bar, the Superior Court Board of Judges has determined that a defense attorney certification and appointment process, separate from the judiciary, is required. It is recommended that a Director and a staff assistant be provided to administer the multi-million dollar criminal defense program which directly impacts on the quality of justice in the District of Columbia Courts.

Director, Criminal Defense Assignment Unit (1 position) $43,000

The Director must assume responsibility for the overall management of the Criminal Defense Assignment Unit, including the operation of an effective assignment system for adequate legal representation of indigent defendants, the administrative oversight of the attorney qualification and case assignment processes, and coordination of this program with the Public Defender Service, attorneys from the private sector, judges and several divisions within the Courts. Given the scope of management and other duties to be fulfilled, this position requires funding at the CS-13 level.

Staff Assistant, Criminal Defense Assignment Unit (1 position) $21,000

In order to enable the Director of the Criminal Defense Assignment Unit to effectively carry out a broad range of program responsibilities, skilled support staff is essential.

Due to the high volume of detailed work and the fact that the accuracy of unit information impacts the assignment of over 800 attorneys presently on the master assignment list, a staff assistant capable of participating directly in the work of the unit is needed. The level of training and experience required calls for expertise at the CS-7 level.

Criminal Justice Act Program Fees, $7,400,000

Since fiscal year 1980, the Criminal Justice Act program has operated on a cash basis. The annual payments made during fiscal years 1978, 1979 and 1980 averaged approximately $3,500,000. Payment levels for fiscal years 1981, 1982 and 1983 were $4,188,500, $4,980,000 and $6,354,600 respectively. During these three most recent fiscal years, additional funds were obtained through supplemental appropriations. We anticipate that this dramatic escalation of program payments will continue during fiscal year 1984 and 1985. In addition, effective October 12, 1983, "The District of Columbia Criminal Justice Act Amendments Act of 1983" (Bill 5-293) was implemented. The legal service hourly rates were raised by that Act from $30 per hour for "in-court" time and $20 per hour for "out-of-court" time, to $35 per hour for all representation. Maximum case limits were, in most cases, more than doubled. The full impact of these revisions in the rates of pay will be felt fully by fiscal year 1985. With the base level of funding for the program in fiscal year 1984 set at $5,614,000, an increase of $7,400,000 is needed to meet the $13,014,000 in claims expected to be processed for payment in fiscal year 1985.

Training Room Improvements, $57,000

Deplorable training conditions make it of utmost importance that physical condition improvements be made to this facility.

A former Executive Office conference room has been converted into the District of Columbia Courts' training facility. In order for this space to adequately serve the students and provide a conducive setting for instruction, two improvements must be made. First, with large numbers of employees attending the training sessions, the current air conditioning and ventilation system has proven inadequate. Secondly, while a portion of the room is on an exterior wall, the room has no windows. It is felt that if these two conditions were corrected the room would be much more effective as a training facility. $57,000 is needed to make these improvements.

In closing, I would also like to suggest that appropriation bill language be modified in two places:

First, that an amount of $1500, each, be made available for official purposes for the Chief Judge of the D.C. Court of Appeals, the Chief Judge of the Superior Court and the Executive Officer of the D.C. Courts.

Second, that Section 105 of the general provisions of the Appropriation Act be amended to provide that the Courts, as well as the Council of the District of Columbia, may expend funds for travel and for the payment of dues of organizations, without authorization by the Mayor.

On behalf of the Joint Committee on Judicial Administration, I want to thank you for your consideration of our requests and ask that you look favorably upon this year's submission.

BACKLOG OF CASES

Senator SPECTER. Mr. Polansky, I am interested to know in what is happening to the backlog. Last year we spent some considerable time on the backlog, the delay in bringing cases to trial, and that was the impetus which led me to push very hard to have the seven new judges authorized.

What has happened in the intervening year?

Mr. POLANSKY. With the thought that you might ask the question, or questions about the backlog——

Senator SPECTER. Mr. Polansky, you and I have been dealing with backlogs for years and years and years. You know I always ask that question.

The most important question there is in the administration of justice is how long it takes for the court to take a case and conclude it, and nationally, we do not have a proud record on that critical issue.

Mr. POLANSKY. No; we do not.

In a sense, I am a bit embarrassed to tell you that we have done better in this period, even though we do not yet have the seven judges. However, you must remember that we had those three hearing commissioners you authorized that have been helpful to us.

As to figures on the chart, you may recall that we have some of the national standards and a figure for 1980. This chart depicts felony cases, and is showing 229 days from arrest to trial. You must add another 6 weeks to that for the sentencing.

Senator SPECTER. Felony cases, 229 days, that is on an average?

Mr. POLANSKY. It is an average, and there are many cases that run more than 1 year before they ever reach trial.

Senator SPECTER. What is the longest period of time that a case has taken, from arrest to trial?

Mr. POLANSKY. I am embarrassed to say that the last time you asked this question we found cases that were 3 years old and were still in the system.

Senator SPECTER. And are the defendants in jail, or on bail; either way, it is an atrocity.

Mr. POLANSKY. We found cases with both situations. I must say, though, that a good bit of the time is taken up with what I would call nonchargeable time. That is, where the defendant is unavailable for trial. But there are many, many cases in the system that take a very long time, because that average includes cases that are pled very early in the game, and in fact it includes cases which are "nolle prossed."

LONGEST PERIOD BETWEEN ARREST AND TRIAL

Senator SPECTER. I would like you to give me the 10 cases representing the longest period of time that a defendant has been in jail without being brought to trial. Just give me an illustrative group. If you take as many as 10, you will not have just one, which is an extreme, and also a case where someone has been on bail during that period of time, other than a fugitive situation.

The question which always comes to my mind, Mr. Polansky, is how many defendants have been charged with subsequent crimes of violence while they are on bail and awaiting trial?

Mr. POLANSKY. That is a very difficult figure to get for you, but we will try to get something together on arrests while awaiting trial.

Senator SPECTER. That is the most impressive figure to get public action, to have new judges, when we talk about people who are incarcerated, there is not quite the public response on depravation, right to speedy trial, as there is when defendants are on bail awaiting trial, and charged with subsequent offenses, even beyond when they are convicted of crimes of violence.

I would like to know what the situation is on that. I realize that a court administrator does not like to talk about it. That is really the ultimate failure of a system, and it is not the system's fault. It is not the individual's fault, it is a systemic fault. But I would like to know.

TIMETABLE OF CASES BETWEEN ARREST AND TRIAL

Mr. POLANSKY. I think you would also be happy to see that we have been able to bring the misdemeanor time down to 99 days. It had been over 100 days, I believe, the last time we were before you, and it has come down. Basically this is because of the hearing commissioners being put into slots which freed judges to hear misdemeanor trials. Our juvenile effort is staying about even or, perhaps, a little bit better than it was the last time we talked to you and your committee.

There is little change in the domestic relations calendar, or the civil calendar. We are still far above where we were in 1980, and just out of sight of where we really should be. These items on the chart represent contested domestic cases, and they take over 500 days for disposition, which is incredible.

The civil I cases—which are what Philadelphia calls "major trials"—actually are better than Philadelphia. They take 740 days in the District of Columbia. This is better than New York and Chicago——

Senator SPECTER. That is better than 2 years? It is not much better.

Mr. POLANSKY. Not much better. Just a bit over 2 years. The civil II calendar cases take about a year and a half, or more than a year and a half. For this jurisdiction that is terrible, because 10 years ago it took just about 1 year from filing to disposition.

Senator SPECTER. Mr. Polansky, I would say that those figures are very discouraging.

Mr. POLANSKY. They are.

Senator SPECTER. In terms of delays to the civil trials for those people who have to wait their civil cases.

Mr. POLANSKY. Then looking specifically to the felony area, on perhaps the most interesting chart, which, incidentally, seems to minimize what is really happening in the period from January 1983 to April 1984 we can see a significant increase in pending cases. This line represents our pending caseload, and you can see where it is going up.

Senator SPECTER. Well, that is a significant increase, it has gone from about 1,800 in January 1983 to about 2,500 in April 1984?

Mr. POLANSKY. That is right.

Senator SPECTER. I would say that is a more significant statistic than the ones you cited previously, which might look somewhat better.

Mr. POLANSKY. It is.

TOTAL RESOURCES NEEDED TO DO ADEQUATE JOB

Senator SPECTER. Mr. Polansky, what I would like for you to do, and ask Chief Judge Moultrie, I think it is time that this subcommittee and the Congress had from the District of Columbia courts a statement as to what you need to do an adequate job.

I had some doubts in pressing for seven judges, that it was really anywhere near sufficient, although it is very difficult to get seven judges through all of the hurdles they had to surmount, but I think it is time that we took a look at the whole system again, and—my sense is that cases where people are detained ought to be brought to trial within 60 days, do you think sooner, Judge Newman?

Judge NEWMAN. Sixty days would be a good target.

Senator SPECTER. And bail cases ought to be brought to trial within 90 days. Those are standards which would be a way a court system ought to function, and on the civil trial list, I think a civil case ought to be tried in the 15-month area, after a case is at issue, maybe 1 year is too quick, it really ought to be 1 year, but say 15 months would be a reasonable guidepost.

I would like to know what it would take by way of resources to have a judicial system which functioned within those parameters, and corollary standards on your other kinds of cases, domestic relations and so forth.

DISTRICT HAVING JURISDICTION OVER TITLE XI CASES

Mr. POLANSKY. Judge Moultrie and I have discussed this, but I really would like to come back, after going over this with him, with an all inclusive list of those things that the court might need.

There are, however, some examples that immediately come to mind. For example, there is a small legislative package currently before the authorizing committees, which includes requests for things like increasing our small claims limit from $750, where it has been since the day the court was formed, to something more reasonable, in light of today's inflationary spiral.

Senator SPECTER. That would be a matter for the City Council, right?

Mr. POLANSKY. No——

Judge NEWMAN. No; title XI.

Mr. POLANSKY. No; that falls under title XI of the D.C. Code, and, therefore, would be a matter for the Congress.

Senator SPECTER. For the Congress, on jurisdictional amount for Small Claims Court?

Judge NEWMAN. Mr. Specter, if I may.

I will be giving a state of the judiciary message to our Judicial Conference on June 21, and if you would be kind enough to, I would like to send you a copy, and perhaps you might want to insert it in the Congressional Record.

With respect to the things I would say now, any action affecting title XI still is here. The City Council has no jurisdiction whatsoever over title XI, including such minuscule matters as the jurisdictional limit of Small Claims Court. It takes congressional legislation to change that.

It is well now time that the process of home rule be completed. Incidentally, I speak individually, not on behalf of my court. My court is sharply divided on this question, and I better put my disclaimer on record, or several of my colleagues will be all over my head before I can get back to the courthouse.

I speak for myself. One of my colleagues has said, that is like Franklin Roosevelt giving a fireside chat in his individual capacity.

It is, in my opinion, time to give the District government jurisdiction over title XI, as well as the nomination and confirmation of judges.

Seven judges have been added to the Trial Court. Further efforts by the Congress will increase the capacity of the Trial Court to expeditiously deal with its caseload. I can tell you statistically what an increased and sooner dispositional rate in the Trial Court will mean to the Court of Appeals, and when.

NEED FOR AN INTERMEDIATE APPELLATE COURT

We have tracked it now for about 6 years. What the court system needs, as I have said before, is an intermediate appellate court.

You asked me about that last year. My court was sharply split then, as was the legal community. The split within my court has ameliorated on that subject, and about 3 months ago, I started to make an effort to get you to do what you did about the seven judges for the Trial Court.

But recognizing the sensitivities of the authorizing committees, and all the difficulty you had last year in getting that coordination going, and given the fact that I only have about 4½ more months on my watch as chief, I decided not to mount that effort this year.

We are dealing with our caseload, but not as we should. The highest court of a jurisdiction should not sit in panels. That is not just halfcocked Newman notion, that is an ABA standard. And it is only because of our workload that we still must sit in panels, with all of the conflicts and decisions that result therefrom.

And a personal note. I signed off on an opinion last week, which was directly contrary to an opinion that I had signed off on previously and which had been published a week before. Fortunately, one of my law clerks caught it.

But when a court has to sit in panels, the highest court, you have those kinds of problems. What we need is an intermediate appellate court for the District of Columbia, as you have in Pennsylvania and as exists in 32 States around the country now. Utah, for example, is on the verge of getting one, and they do not have anywhere near the caseload we have.

Senator SPECTER. Judge Newman, I would be interested in your views on that subject. I would like to see you move ahead with your recommendation.

However, little time is left on your watch.

Judge NEWMAN. I will send you something.

Senator SPECTER. OK.

NEED FOR MANDATORY ARBITRATION

Mr. POLANSKY. I have had some opportunity to think a bit, and let me try to tell you what I think would be the foremost items in a plan that Judge Moultrie would forward to you.

Right now, for example, we have voluntary arbitration in the District of Columbia. It has not worked in terms of diverting cases from the civil system. We need mandatory arbitration.

Senator SPECTER. Can you not do that by rule of court?

Mr. POLANSKY. It probably could be done by rule of court, but it needs an acceptance by the bar, and the citizenry of the District of Columbia, which it has not had up until now.

There are other things. There should be consideration here for the elimination of either the Grand Jury or preliminary hearing. Pennsylvania, as you recall—during your term—eliminated the need for Grand Jury. It is a lot more difficult in the District of Columbia, however, to eliminate the constitutional right to a Grand Jury.

Perhaps we need an option for the ability to add pro tem judges, under emergency circumstances. Arizona has tried this, and it apparently works very well. Where there is an overwhelming backlog Arizona brings attorneys in—who are qualified and certified—to serve for short periods of time. This does not take the same kind of effort that it takes to add judges to the system, nor does it lead to comparable costs.

We need a diversion program similar to your ARD program in Pennsylvania. We do not have——

Senator SPECTER. You can certainly do that by rule.

Mr. POLANSKY. But we need what we had in Philadelphia, and that was the District Attorney's Office taking the forefront of that effort, and setting rational criteria——

Senator SPECTER. Has anyone asked the U.S. attorney to do that?

Mr. POLANSKY. The U.S. attorney in the District of Columbia, in the 5 years that I have been here, has not been the foremost proponent of an extensive ARD program.

Senator SPECTER. Now, what is the answer to my question?

Mr. POLANSKY. I am sorry, sir, I missed it.

Senator SPECTER. The question was, has anybody asked the U.S. attorney to do that?

Mr. POLANSKY. Answer, yes.

Senator SPECTER. Who, when?

Mr. POLANSKY. The Chief Judge has, a number of times, approached each of the last three U.S. attorneys, with the inquiry as to how much ARD, how much diversion they were utilizing. I believe that the U.S. Attorney's Office believes that they are using diversion as frequently as is possible. It is, however, not at the same level that was used in Pennsylvania, to my memory.

There are a number of other alternative dispute resolution——

PRETRIAL DIVERSION PROGRAM

Senator SPECTER. Judge Newman, we started the pretrial diversion program in 1971, it was on my initiative, as district attorney. I had to go to the State supreme court and persuade them that they ought to authorize it. Judge Sydney Hoffman of the Superior Court sat as a trial judge, we used to dispose of 80 cases a day for first offenders on nonviolent crimes, as opposed to about three or four that went through the trial process.

Judge NEWMAN. I am familiar with the program, Senator. My court has ruled, in the case called in re: Size, that there is nothing the courts can do to compel the executive branch in this area.

We would welcome, and I too have talked——

Senator SPECTER. The courts can compel the appointment of a Special Prosecutor, but not a pretrial indictment program?

Judge NEWMAN. That is an article III court. But my court held——

Senator SPECTER. What do you mean an article III court?

Judge NEWMAN. The Special Prosecutor controversy now is out of the U.S. District Court and is in the U.S. Court of Appeals.

Senator Specter I know, but your court is as powerful as any other court.

Judge NEWMAN. We have never considered whether we have authority to appoint a Special Prosecutor. I doubt——

Senator SPECTER. All you have to do is to consider it, and decide it, that is the history of courts.

Judge NEWMAN. I think the majority of my court are former assistant U.S. attorneys.

Senator SPECTER. Well, the subject of supervising the wide discretion of the prosecuting attorney is a very, very important subject, and it has a lot of ramifications, but the courts have stepped in to circumscribe prosecutors' discretion. The most noteworthy case is the one on the appointment of a Special Prosecutor which is pending now. But the courts have taken the authority to supersede the district attorney, and to control the scope of his activities, and I would think there might well be a range of judicial authority for establishing rules for diversionary programs, rules for all kinds of programs, including diversionary programs.

There is a well-established principle that the scope of the court's authority is what the court says it is.

OTHER AREAS REQUIRING ASSISTANCE

Mr. POLANSKY. There are about three or four other areas that I think the court could use a lot of help with. I think cases would move more quickly if we had timely submission of police investigatory reports, and of our own probation officers' presentencing reports, and of mental evaluations and, most importantly, laboratory drug analyses when cases came to trial.

Senator SPECTER. Mr. Polansky, I would be interested in your formalizing them, and saying what it is you would like to have done, and directing the request to the specific agencies which have authority, and to the extent that this subcommittee has authority, we will entertain them.

To the extent that we can be of help to you or others, where the authority lies, we would be interested.

When I talk about judicial system which can accommodate the workload, it really is in the context of the existing rules. It is true that if you could streamline the whole process you might have a very different structure to the judicial system. But that is something that cannot be done by the court system, and that is why I would be interested to know what it would take to meet realistic goals for disposition of cases within the range of existing rules and existing laws.

Mr. POLANSKY. We have got some items in that area, too. But it would be a lot easier to sentence if there were sufficient successful drug treatment programs that you could sentence people to, or even programs you could send defendants to in order to monitor the defendants while awaiting trial.

What we need is the ability to guarantee a date and a time certain for every trial. We do not have that, because we do not know that all the parts of the case are ready. We do not have enough information to know where everybody is, and where everything is.

RECOMMENDATIONS FOR CHANGING SYSTEM

Senator SPECTER. I would like you to do two things. Give me your recommendations as to how you would like to change the system.

And second, tell me what you need by way of additional personnel to meet some realistic goals within the existing system.

Mr. POLANSKY. The first step to the realistic goals is the personnel in the budget which we submitted that includes 57 personnel requests, and which was not honored by the Mayor.

Senator SPECTER. We will take a very close look at it.

Mr. POLANSKY. Thank you, Senator.

Senator SPECTER. Thank you very much, Mr. Polansky, thank you, Judge Newman.

SUPERIOR COURT

STATEMENT OF HON. FRED UGAST, PRESIDING JUDGE, CRIMINAL DIVISION, D.C. SUPERIOR COURT

ACCOMPANIED BY DR. R. STANLEY BURNS, SENIOR STAFF NEUROLOGIST, NATIONAL INSTITUTE OF MENTAL HEALTH

INTRODUCTION OF WITNESSES

Senator SPECTER. I would like to call now Judge Ugast and Dr. Burns.

The Honorable Fred Ugast, Presiding Judge of the Criminal Division, District of Columbia Superior Court, and Dr. R. Stanley Burns, the senior staff neurologist, National Institute of Mental Health.

We have asked you gentlemen to join us this morning on a couple of questions which are related to the courts, which are of concern to this subcommittee, and one involves the question of corroboration of testimony of children, where they have been victims, or alleged victims of molestation. That is a question which has been very much in the public forefront lately, with the disclosures about children being molested.

My colleague, Senator Hawkins, made the disclosure at a children's caucus meeting, the Juvenile Justice Subcommittee of the Judiciary Committee, which I Chair, has had extensive hearings on that subject, and it is a matter of concern as to what the District of Columbia rule ought to be. It does not come directly under the jurisdiction of the Congress, unless it comes under title XI, and we might explore that.

I do not think that it does, Mr. Polansky nods in the negative. But the District of Columbia is one of only two jurisdictions which now requires corroboration by a juvenile, and since it is a matter of concern on Capitol Hill, I think that while we were talking about the court subject generally, that we would get into that question, and also I am concerned about the proliferation and expansion of the drug problem in our society, PCP and others, and I thought we would take that up here too.

Both of these matters have been touched upon in the testimony already today, questions as to judicial services for molestation cases, and the question of drug rehabilitation, all of these impact on the criminal justice system, and have a very profound effect on what appropriations this committee will pass on, so that they are directly related to what we are doing.

Judge Ugast, we welcome you here. By point of interest and point of concern as a starting point, but I would be pleased to hear your testimony generally, but my starting point is your view as to the desirability of altering the rule which requires corroboration for a child who makes a complaint of having been molested, or sexually abused.

OPENING REMARKS OF JUDGE UGAST

Judge UGAST. Thank you, Senator. I am pleased to be here.

I believe the evidentiary rule followed in the District of Columbia is based on the common-law evidentiary rule that similarly was followed in our court until, I believe, 1976, when the Court of Appeals, with respect to sexual offenses involving adults, abolished—by I believe the *Arnold* decision—the requirement of corroboration with respect to sexual offenses involving adults.

CORROBORATION FOR SEX OFFENSES

Senator SPECTER. There had been a requirement in the District of Columbia that there had to be corroboration of a complaint where what, an adult charged a sexual offense?

Judge UGAST. Yes, sir.

Senator SPECTER. Is that a common-law rule that is common, or is it a common-law rule for the District of Columbia?

Judge NEWMAN. Senator, if I may. I expect, more than anybody else in the District of Columbia, that I have, at least, a judicial familiarity with this problem.

Judge Ugast is correct, in the case of the *United States* v. *James Arnold*, that led to the abolition of the corroboration requirement as to mature women.

Senator SPECTER. How do you define a mature woman?

Judge NEWMAN. I do not know. I was the trial judge in *Jimmy Arnold*, and I held, in spite of about 75 years of unbroken precedents—I stuck my neck out—that we were going to abolish corroboration.

Senator SPECTER. Judge Newman, some would say that that is a redundancy, to say a mature woman, that a woman by definition is mature.

Judge NEWMAN. I abolished it in that trial, knowing I was flying square in the face of precedent.

Senator SPECTER. Was that a common-law rule? I have had some experience with common-law prosecutions, and I have never heard of a common-law rule requiring corroboration of an adult witness.

Judge NEWMAN. It was a common rule, whether or not it was a common-law rule or not, I do not know. The Court of Appeals affirmed the conviction, and prospectively abolished corroboration for sex offenses involving mature females.

Senator SPECTER. Had there been such a requirement for sex offenses against men?

Judge NEWMAN. There is——

Senator SPECTER. For corroboration?

Judge NEWMAN. There still is.

Senator SPECTER. In the District of Columbia?

Judge NEWMAN. There still is.

The next time we visited the subject was in the case of the *United States* v. *Fitzgerald*, and, in a sharply divided opinion—five to four, with me writing the dissent—we rejected the urging of the U.S. Attorney's Office to abolish the corroboration requirement entirely. There is, therefore, an anomaly in the District of Columbia.

If a male or female were the subject of a violent sex offense, in the halls of Congress, and were prosecuted in the Federal Court here—since the Federal Court following *Arnold* abolished corroboration entirely—would not require corroboration. If he or she were tried in the local courts, and there was a male victim, or the female victim was not a mature female, corroboration would be required.

You can send a defendant to jail for life for armed robbery, armed burglary, armed anything, on the uncorroborated testimony of a child, but to send him or her to jail for rape——

Senator SPECTER. So you are saying that the rule had been that the uncorroborated testimony of a rape victim was insufficient?

Judge NEWMAN. That is right.

Senator SPECTER. To convict them?

Judge NEWMAN. That is correct. As I say, if the defendant rapes a 10 year old now, robs or kidnaps her, or burglarizes a house in which she is—to get to her—her testimony alone is sufficient to convict him of burglary, kidnapping, armed robbery, but not of rape. It makes no sense.

Senator SPECTER. What is your feel as to the subject, Judge Ugast?

CORROBORATION OF CHILD SHOULD BE DECISION OF JUDGE

Judge UGAST. Well, I join Judge Newman, and I think when the Court of Appeals, through the trial decision in 1976 made that change, that it should have followed through in these areas, which are even, if you can say it in that area, more sensitive. I think it should be within the discretion of the trial judge in determining the reliability of the child's testimony.

In all of those cases, the trial judge has to make a basic decision, out of the hearing of the jury, as to the competency of the child to testify, and it would seem to me that would be the area that would be the safeguard, and should take the place of the requirement of corroboration.

YOUNGEST AGE OF A CHILD WITNESS

Senator SPECTER. Judge Ugast, what is the youngest age you have seen a child testify?

Judge UGAST. I believe 5. I have had some quite young, and the prosecutors, I think, handled them well. For example, in the terms of the sensitivity of using male or female dolls, that type of thing.

Senator SPECTER. And what is the youngest age you have seen an effort made to have a child testify?

Judge UGAST. It seems to me we had one around 4, and I know I had one, that I can remember, over the last 10½ years, in which they were not able to establish——

Senator SPECTER. You found not qualified?

Judge UGAST. Yes.

Senator SPECTER. Do you believe that there should be any age limit in terms of where a child should be able to testify?

This question came up before the Juvenile Justice Subcommittee, and one of the witnesses testified rather cogently that there ought not to be any limit as to age, that if a child could explain what had happened, and understood the nature of the oath, telling the truth, and have the capacity to speak, and to testify, that there should be no bottom limit. That even a child as young as 3 should not be disqualified as to competency, merely on the basis of age. And I would be interested in your thought on that.

Judge UGAST. Well, clearly, age as such, is only a factor, because I have found that the maturity, the ability to articulate, to explain or remember, varied tremendously with children in the range from 5 to 10, or 12, even.

I have seen young children, at 7, who have testified in the same case, with older brothers and sisters, who came through, both in their ability to say what they had seen, and to express themselves in a more articulate way, than some of the older ones.

There might be a bottom, minimal, line age, perhaps, 3 to 3½, that I would have real questions as to whether they appreciated the truthfulness aspect, but also it would cut the other way, as to whether they would have any motivation to lie, but I think it is basically a factor of the background of that child, that is, how that child has developed and its family background.

Senator SPECTER. Judge Ugast, you are the Presiding Judge of the Criminal Division?

Judge UGAST. Yes, sir.

EXTENSIVENESS OF CHILD ABUSE AND CHILD MOLESTATION

Senator SPECTER. How extensive is the problem of sexual abuse of children, child molestation, in the District of Columbia?

Judge UGAST. Well I can only comment from the standpoint of the cases that have been discovered, and that come to court. The number of criminal charges, while I think more substantial than was believed, are not such that they stand out.

Even one is too many. But a number of those kind of cases are also handled in the Family Division of the court, without criminal charges being brought.

Senator SPECTER. When they are handled under the Family Division, how are they handled? What is the process?

Judge UGAST. Well, then a petition would be filed by the Corporation Counsel's Office, and they would come up generally in some type of a neglect situation where the charges are brought through the petition of the Corporation Counsel of the District of Columbia. The trials would be similar, but my experience in the past has been——

Senator SPECTER. So there are cases in the Family Division where a child has allegedly been molested or sexually abused, and they do not come up in the criminal charge?

Judge UGAST. Depending on the nature of the sexual abuse. Usually they are more physical abuse, where it is not clear as to the nature of whether there was any sexual abuse. If there is evidence sufficient of sexual abuse, then criminal charges would be brought.

But the distinction, in particular, in the younger children, is difficult, and you see a great number of those cases in the Family Division, of the physical abuse.

CONVICTION ON UNCORROBORATED TESTIMONY OF CHILD

Senator SPECTER. Judge Ugast, what is your judgment as to the basic fairness of having a rule of law that the uncorroborated testimony of a child should be sufficient to convict, depending on the fact finder's determination?

Do you think that is a fair approach, sufficient concern for the defendant's rights, to have the conviction based upon the uncorroborated testimony of a child, on a sexual abuse case?

Judge UGAST. I do, on the implied basis, as well, that the fact finder would have to make a finding and a determination as to the general reliability of the child witness, both as to understanding the oath, as well as to the ability of the child to remember and articulate what happened.

Senator SPECTER. So there would have to be a basic finding of competency, as you would outline it, but then in terms of fairness it would be sufficient to leave it to the fact finder, a jury, or if it was a nonjury trial, for the judge to make a determination of veracity?

Judge UGAST. I think so, with appropriate instructions, and with the understanding that you are dealing with a child.

Senator SPECTER. Judge Newman, what is your judgment on the question?

Judge NEWMAN. As I say, I wrote the decision, pointing out that the concern about the child witness is no different, really, if it is a sex offense, than it is if it is armed robbery, burglary, kidnapping, and that the same child witness instruction you are familiar with in Pennsylvania, take into account the age of the child, and so forth.

Senator SPECTER. So you would be in favor of modifying the District of Columbia rule to allow conviction on the uncorroborated testimony of the child on a sexual abuse——

Judge NEWMAN. I have traditionally been leading that charge since about 1972.

Senator SPECTER. How many kinds of cases are there anymore where you have to have corroboration as a matter of law? I recollect we used to have that requirement in Pennsylvania in bribery cases. We did not have it on sexual abuse cases.

Judge NEWMAN. The only trial offense in the District of Columbia, triable in our local court system, where corroboration is required, is sexual offenses against men and children.

Senator SPECTER. Would you be willing to change the rule as to male testimony as well as child testimony?

Judge NEWMAN. Not being a sexist, the answer is, of course, yes.

Senator SPECTER. You concur with that, Judge Ugast?

Judge UGAST. I do.

DR. STANLEY BURNS' COMMENTS ON PCP

Senator SPECTER. Dr. Burns, let us turn to you at this point.

We have asked you to come in and give us some view as to a drug problem, which is a major one, confronting the community today at many levels.

I am interested especially in your sense of the PCP problem, where we are having a burgeoning number of arrests. In 1982, there were 310 arrests for PCP, in 1983, skyrocketed to 1,040, the first 6 months—it cannot be the first 6 months of 1984. The first 6 months of 1984 are not completed, but I have statistics here.

Well, fiscal year 1984. There is always some way to adjust a statistic to make it correct, 892.

First of all, what is PCP?

Dr. BURNS. Senator Specter, I am pleased to be here this morning.

Let me read something that I have written, if you will, which I think is a description both of PCP, which is phencyclidine, and also a general overview of problems relating to this particular drug.

There have been several clincal observations over the past 10 years, since PCP became widely abused, which have documented toxic behavioral effects of this particular drug, usually taken illicitly, and usually presenting with individuals in an excited or agitated state which is associated with aggression or violent behavior.

Now, a great deal is actually known about the pharmacology of PCP, that is, pharmacology in terms of the science of the study of drugs. During the period 1958 through 1972, PCP was being studied in clinical trials as a potential anaesthetic agent. It also was being studied for some of its unusual properties and effects on brain function. During that period, about 1,500 individuals received a known amount of PCP.

Now, these individuals represented, let us see, 1,140, represented surgical patients or obstetrical patients that consented to be in trials, trials of the drug. About 200 represented psychiatric patients, and of that 200 about 100 were schizophrenic patients, and then there is another 100 normal volunteers, normal healthy individuals who received PCP.

The information that was generated from those early trials is important, because it tells us something about the drug as a factor in what we see as the behavioral or social toxicity of the drug now.

If we look at that group of 1,500 individuals, there were two major problems following the administration of PCP. About 7 percent of them became excited, unmanageable, maniacal, belligerent, hostile, and those were essentially normal individuals.

About 15 percent had a very prolonged recovery from what was supposed to be just an anaesthetic agent. There were two things about that recovery that are important to consider. One is that it was prolonged past 24 hours, many times as long as 10 days. In addition to that, people's memory was impaired for the surgical experience, as well as the remainder of the 24-hour period of time after the surgery, and those factors complicate the issues with regard, I think, to the legal questions surrounding PCP.

Of that large group of patients, and of the 100 psychiatric patients who had a diagnosis of schizophrenia, they tended to be unusally sensitive to the effects of PCP, and in fact worsened for periods up to 4 to 6 weeks after administering PCP.

That tends to support the idea that people who have a latent psychosis, whether it be schizophrenia or some other form of psychosis, may be more sensitive to disruptive effects of PCP.

Of that very large group of patients who received PCP, and again, going back to the 1,500 figure, there is only one individual who developed a full-blown psychosis, who in fact was normal before PCP was administered, and that was a man who, in fact, received PCP on a regular basis, as a therapeutic trial for a problem with pain.

DEFINITION OF PCP

Senator SPECTER. Dr. Burns, let us start again with what PCP is.

Dr. BURNS. PCP is phencyclidine, and phencyclidine represents—is the prototypic drug of a class of drugs now called the phencyclidines. In medicine, we have to relate it to what goes on in medicine today, there is a drug called cedomin which is used in anaesthsia, which is an analog, or structurally related to PCP.

PCP AS AN ILLICIT DRUG

Senator SPECTER. How long have we been hearing about PCP, as it relates to the criminal law problem?

Dr. BURNS. I would think for about 10 years. It was in the early seventies that PCP first became available on the street as an illicit drug.

Senator SPECTER. What went on before that time? There was not any such drug in existence?

Dr. BURNS. Well, PCP was taken—let us see, Parke, Davis & Co. first developed PCP in the late sixties.

Senator SPECTER. When you say developed, synthesized?

Dr. BURNS. Yes; they synthesized it, they did the initial animal testing, and they, in fact, did the initial testing.

PCP NEVER APPROVED BY FDA

Senator SPECTER. It came on the market as an existing drug?

Dr. BURNS. No; it never came on the market. It was never marketed, never approached by the FDA as an anaesthetic. It was still in its early phase.

Senator SPECTER. Never came on the market?

Dr. BURNS. No; because of the agitated patient reactions after recovery of surgery, Parke-Davis voluntarily——

Senator SPECTER. So it is in existence only as an illicit drug?

USE OF PCP AS ANAESTHETIC FOR ANIMALS

Dr. BURNS. No; what happened is when it was taken off the market for further development for human use, then it was used in anaesthetizing animals.

Senator SPECTER. On the market as a legitimate drug for animals?

Dr. BURNS. Yes; and that became a sporadic source of its abuse. In other words, people——

Senator SPECTER. And when did it become marketed for animals?

Dr. BURNS. I think it would be about 1968, or so.

USE OF PCP AS AN ILLICIT DRUG

Senator SPECTER. And when did we first see it, to your knowledge, in significant numbers, in the criminal law field?

Dr. BURNS. I would say about 1974, is when I am aware that chronic abuse of PCP, and continued availability produced problems, legal problems, as well as an influx of——

Senator SPECTER. And how do you account for the enormous influx, increase in cases, say in the 1983 and 1984, so far, over the prior figures?

Dr. BURNS. There are two factors. One is, PCP is a very potent and toxic agent. If it is available and it is used, you see it in terms of violent, aggressive behavior, you see it in terms of medical complications, in medical facilities.

The second factor, the thing that controls the numbers, both of criminally related PCP events, as well as medical complications, is availability. If it is available it will be used.

AVAILABILITY OF PCP

Senator SPECTER. Is it available more now than it had been prior to 1983?

Dr. BURNS. Yes; I would suspect that that is the case.

Senator SPECTER. Well, why is it more available now?

Dr. BURNS. Well, if I had to predict—I do not have confirmed information, but from my knowledge of PCP epidemics across the country over the past 10 years it means that there are more laboratories that are active in producing PCP, and distributing and selling it on the street.

Senator SPECTER. Illegal laboratories?

Dr. BURNS. Correct.

ABUSE LIABILITY OF PCP

Senator SPECTER. What should we do about it?

Dr. BURNS. I think there is two perspectives.

Let me give you the perspective from the point of view of looking at people who abuse PCP chronically.

In the past, if you look at the individual, or group of chronic PCP abusers, and you look at what interrupts their use of the drug, it is hospitalization, and a secure ward, it is being placed in jail, or it is moving out of the particular community that they have been in, into a community where the drug is not available.

I must admit that I am rather pessimistic about treatment programs, and let me just comment on one thing that is important to understand about PCP.

PCP is psychologically addicting, or people develop psychological dependence. Now, that is different from physical dependence, or physical withdrawal from heroin. But what it does mean that if you do studies in animals, and monkeys in particular, you will find that monkeys will start and maintain what we call the use of PCP, and they become essentially, their behavior becomes directed toward getting more PCP.

Now, PCP distinguishes itself, compared to other psychedelic drugs, marijuana, LSD and others, in being the only drug that in monkey models has what we call abuse liability, that meaning that monkeys in particular, all other factors that we apply to humans, not being available to understanding, but that they will start and maintain increased use of increasing amounts of PCP. So it has abuse liability.

The second thing is that if you look at chronic PCP abusers, they have difficulty getting off the drug. In other words, if it is available, if it is in their environment, they will use it.

So I think that—and I have not seen statistics on chronic PCP abusers, that are any more optimistic than any other pattern of chronic abuse of a drug.

So I would still say that availability is the key. If it is available, it is a potent agent. There are high profits in its synthesis and its sale. It will be used. It is looked upon, unfortunately, as a drug that is, by young people, midway between marijuana and LSD, in terms of how potent it is.

In fact, PCP is less predictable, and is very potent.

PCP WORSE THAN LSD

Senator SPECTER. So in a sense, PCP is worse than LSD?

Dr. BURNS. In my view, it is. There have been more—there are more tests related to behavioral toxicity, the disruption of brain function, secondary to PCP, than there have been, in my estimation——

Senator SPECTER. Well, I think that is something which is not widely understood, or even suspected, that PCP can have more disastrous effects on the user than LSD, which was enormously detrimental. People were jumping out of windows, committing suicide, unknowingly, under the influence of that drug, and you are saying that PCP is even worse for the user than LSD was?

Dr. BURNS. Yes; I think if one reviewed records, medical records and legal records, in areas where PCP has been continually available over a period of several years, you would find that the cost to individuals in terms of their own death, or serious injury, and the cost to society in terms of criminal behavior and violent acts has been greater proportionally with PCP than it was with LSD.

USE OF LSD

Senator SPECTER. Is LSD still used much?

Dr. BURNS. I have been told that there is a recent increase in the use of LSD, but for most of the 1970's, LSD was not a major drug of abuse.

Senator SPECTER. LSD came into the picture what, in 1967, 1968?

Dr. BURNS. Yes; the late sixties.

Senator SPECTER. I can recall being the District Attorney of Philadelphia when we first had an incident with it. Did it phase out in the seventies?

Dr. BURNS. Yes; it essentially did, in the early seventies, and LSD was not available, at least in the street market, or illicit market, and it is only in recent years, in the past maybe 2 or 3 years, that at least comments of people who are working in the clinical drug field know——

COMPARATIVE USE OF TYPES OF DRUGS

Senator SPECTER. So people who use marijuana are more likely to pick up PCP. How does that figure with people who use cocaine or heroin?

Dr. BURNS. Well, I think it is—let us see, I think it is a different market in terms of people who use the drug. The use of heroin is really primarily associated with injecting drugs, and that is a major barrier for young people who are teens, or early twenties, in terms of adopting that, it is a whole life style which is different.

Cocaine is an expensive drug, and for most people, I view it as a recreational drug. They cannot afford enough to use it consistently, on a daily basis, unless——

Senator SPECTER. Cocaine is a recreational drug?

Dr. BURNS. Well, recreational, in that sense, there are a few people who are able to afford enough cocaine so they use it on a daily basis, and in fact, become pyschologically dependent on it. Cocaine has the characteristic of being—producing probably the greatest psychological dependence.

PCP is exceedingly potent. There are high profits in its production. A very small amount placed on marijuana, oregano, parsley, some leafy material, and what you have, if it is for sale, is you have adolescents who are used to smoking maybe a marijuana joint, now the only difference is that the leafy material is laced with PCP.

Senator SPECTER. Has PCP use cut down on the use of heroin?

Dr. BURNS. Not to the best of my knowledge, no.

Senator SPECTER. For the use of cocaine?

Dr. BURNS. Not the best of my knowledge.

Senator SPECTER. Has the use of cocaine cut down on the use of heroin?

Dr. BURNS. I am not aware that that is true, no.

USE OF JUDICIAL SYSTEM IN COMBATING USE OF PCP

Senator SPECTER. Judge Ugast, what can the judicial system do about PCP, if anything?

Judge UGAST. Let me just start by saying that, as you say, for some reason, one of the starting points is we need to educate the young people, particularly in this community, and across the country of the terrible dangers of this drug.

In talking on one of the TV channels, on a program they had, I tried to urge the idea that we need to get the same type of information across to the public, and particularly the young people, that came across with respect to LSD. I think there was a drop off clearly in the use of LSD because of the terrible dangers.

I think, as the doctor indicated, the fact that these labs are—and I understand PCP is cheap to make, and it is easily accessible—is one of the reasons we have seen so much of an increase here in the District, particularly in terms of the people, using marijuana laced with PCP.

We started a new urinalysis testing program in March at the court, along with the Pretrial Services Agency, under a grant from the National Institute of Justice. We all, on the court, were certain that PCP use was increasing dramatically, with respect to things we saw in court both in the charges and in the bizarre behavior of defendants.

One of the side effects is that our Marshals are having grave difficulties, increasingly, with prisoners, who, with a residual aspect of PCP in their systems, are causing real problems in the cell block, and in the transportation of the prisoners. Things like that are the side effects on the court.

What we found is, that, of those tested, from March through May, when we started this program, some 2,100 people were tested, 1,224, or 57 percent, tested positive for some drug. Of that number, 706 tested positive for PCP. That means that 57 percent of the people who tested positive for a drug, tested positive for PCP, and probably other drugs. Or, 32 percent of all persons tested, tested positive for PCP.

Further, one-third of the individuals being locked up every night in the District and taken into custody, are being charged with a drug offense.

NUMBER OF PERSONS ON PAROLE USING PCP

Senator SPECTER. Judge Ugast, do you have a breakdown as to the people on parole who were found to be using PCP?

Judge UGAST. I do not have that, but I am sure it could be obtained. I do not know. We see them come in on all categories. I mean, whether their status, was on parole or probation.

REVOCATION OF PAROLE FOR USE OF PCP

Senator SPECTER. Do you think that the use of PCP should be a sufficient basis for revocation of parole?

Judge UGAST. I would think it would. It would certainly be a violation of the conditions of being a law abiding person, on either parole or probation. And, of course, we are seeing it on——

Senator SPECTER. And you make that—that determination is made on a positive, factual basis?

Judge UGAST. Absolutely, and a hearing.

Senator SPECTER. That is one of the issues that this subcommittee has spent some considerable time on, the issue of parole violation, and one of the concerns I have expressed is that when somebody is on parole, and is arrested for a subsequent charge, that the existing parole board procedures are not to place people in custody until the second charge is tried, which may be months and months away, and that there ought to be a preliminary determination, whether that warrants revoking parole on the prior offense. When you have PCP, and PCP in the system, which can be positively determined, that is not a matter of conjecture, it should certainly warrant revocation of parole, because these people are dangerous on the street, both to themselves and to the community.

Judge Ugast is nodding in the affirmative. I just want the record to show a yes, if a yes is——

Judge UGAST. You are talking about what the parole board should do in terms of a person found?

Senator SPECTER. Yes.

Judge UGAST. And as to whether they should lodge their parole violator's warrant, and then hold a hearing, and be sure that the testing—that the findings that they make would be in accord with due process in terms of probable cause.

When we do it on the probation revocation side, we are required to hold a hearing, in which probable cause would have to be found with respect to the new charge, before you could hold it at all.

Senator SPECTER. Well, what happens in the interim, if you have somebody found with PCP in their system, are they detained pending the hearing?

Judge UGAST. Well, say there was a new arrest, and the person on probation was arrested on a drug charge and tested positive for PCP, the judge that had the prior case that the individual was on probation for, could immediately issue a show cause order, and he or she, after a finding of probable cause, that the individual was using PCP, could hold him without cause.

Senator SPECTER. How long does it take, from the arrest until the hearing is held?

Judge UGAST. Well, it could be done—it is a problem of just logistics, of getting it all together. You can do it in 2 weeks or less. You could, perhaps, do it in a week.

Senator SPECTER. Well, what happens within that 2 weeks?

Judge UGAST. It depends on what bond was set in the new case.

Senator SPECTER. Wait just a minute. Never mind about the new case. How about the old case? Here you have a man who is on probation, or a woman, and he is found with PCP in his system, and a hearing takes 2 weeks to set, is that man or woman at liberty?

Judge UGAST. The prosecutor can ask for a 3-day hold, in which that would be brought back to the original judge, and he could be held until the 3 days, and then the hearing would be held. It can be done that way, as well.

Senator SPECTER. Why should it be up to the prosecutor, why should the system require an affirmative request by the prosecutor? The prosecutor may or may not act.

Judge UGAST. Because it requires the presentation by the prosecutor of the evidence with respect to the new charge, and the testing to be presented to the trial judge, for the hearing on that. He has to go forward with that.

Senator SPECTER. But the evidence is in hand. The evidence is in the possession of the court at that point. So somebody who is out on probation has been found guilty, and has received judicial leniency on good behavior, if the prosecutor makes the request, is it acted on within 3 days, you are saying, Judge Ugast?

Judge UGAST. It is a 3-day hold that could be asked for, for which time the individual would be held without bond.

Senator SPECTER. So if the prosecutor asks, he could be held for 3 days?

Judge UGAST. And meeting the test.

Senator SPECTER. All right. Now, suppose 3 days elapse without having a hearing, or is there certain to be a hearing within 3 days?

Judge UGAST. Well, there either has to be a hearing, or the bond has to be set, and it would be up to the committing judicial officer as to what he/she would do on the new charge. If the judge does not act on the 3-day hold——

Senator SPECTER. A bond, on the new charge?

Judge UGAST. Right.

Senator SPECTER. But I am not concerned about the new charge at this moment. What I am concerned about is the old charge.

Judge UGAST. If there was a 3-day hold, and the hearing was not held at that point, then bail would be set by the judicial officer at whatever level he deemed appropriate.

Senator SPECTER. Well, does the judge come in to review the case and make a decision on a probation violation within 3 days?

Judge UGAST. If the 3-day hold is brought to his attention. Otherwise, as soon as he is advised by the probation department—within 3 or 4 days, or 5 days—then he would take action himself.

Senator SPECTER. But he has to be advised by the probation department?

Judge UGAST. Well, he has to get word, either through the U.S. attorney asking for it on that date, or he has to be advised by the Social Services people—probation department—of the new arrest, and then he acts.

PROCESS OF REVOKING PAROLE OF REARRESTED PAROLEE

Senator SPECTER. All right. A case arises, a man is arrested on possession, on a drug charge, and he is taken into custody, and he is on probation, and there is a determination that he has PCP in his system. All right.

Now, at that point he is charged with a new offense?

Judge UGAST. Right.

Senator SPECTER. And does he receive—is bail set on the new charge?

Judge UGAST. Yes, sir.

Senator SPECTER. All right. Now, is he detained long enough for a determination to be made as to whether there should be a probation revocation? Does the system have time for a probation revocation to come into play before he is released on bail on the new charge?

Judge UGAST. Generally not, unless it would meet the test of being held on one of the other provisions.

Senator SPECTER. Well, I would suggest to you, Judge Ugast, that that is a hiatus and a weakness of the system, that the system really ought to function to have a determination for a probation violation before that person is released.

Judge UGAST. When it is on the parole side, of course, then you can get the 5-day hold, under other circumstances, as to let the parole board act. We have a problem of all the judges sitting day in and day out, and still getting that matter before the judge who had the case on the probation sentence, and setting up a procedure that would permit a hearing on the probation violation, immediately, and at the same time that he is either presented or arraigned.

It is possible that we should consider setting up an immediate hearing on what would be a violation of conditions of probation that could be heard by a judge, whether or not it was the judge that actually placed the individual on probation.

Senator SPECTER. Judge Ugast, I think so. We are trying to get some changes in the parole procedures so that they will act promptly when new evidence is at hand in a parole violation, and I have been working with Mayor Barry on that, but that is a separate matter, as to a probation violation, and I would strongly urge that you give consideration to that. That some procedure ought to be set.

Where a person is charged with a second offense, and there is a fact question as to whether he is the person who committed the auto theft, or he is the person who committed the robbery, it is a complicated matter, there has to be a determination, there has to be a hearing, and a weighing of evidence, and I do not think that a probation violation ought to require the same level of proof, beyond a reasonable doubt, for a conviction on the second offense, as for revocation of probation on the first offense.

But where you have something like PCP, and it is such a danger in our society, and it is pretty conclusively established, and there has to be a hearing, nonetheless, as to the procedures, but there ought to be something which would take that into account on a procedural basis, so that people are not released before the judicial system has a hearing on the issue of a probation revocation.

Judge UGAST. I agree, and as I say, there is the requirement that probable cause be found with respect to the new arrest, which involves the testimony of maybe one or two officers, or at least one officer present, to go through the whole process. It involves manpower and womanpower, and judicial manpower and womanpower, as well.

Senator SPECTER. Well, that is what we are here for. That is the point of the hearing, to see what you need to do the job.

We do have authority there, and we can help out on the funding, and I have been very much concerned about these PCP arrests, the violence that they bring to our community, and the fact that we know positively that there are violations scientifically.

We have to accord procedural due process for the hearing, but we do know, as a practical matter, and it can be established in fairly short order, and it does justify and warrant revocation of probation, or revocation.

But it is a matter of putting this system in place, and giving you enough personnel, and giving the parole board enough personnel to do it, and I think we are prepared to fund that kind of system.

Judge Newman?

PETER'S PROCEDURE PROGRAM

Judge NEWMAN. The Superior Court of the District of Columbia, about 10 years ago, started this program, a so-called "Peter's Procedure," whereby if a defendant was on probation, and was rearrested, the rearrest immediately goes to the judge with whom he is on probation. We were out in the forefront of that about 10 years ago. It needs some improvement, some expansion, no question.

CONCENTRATION PLACED ON DISTRIBUTORS OF PCP

With respect to PCP, I would say this. The people we see in the courthouse, and this has been true of drugs generally, the people we generally see in the courthouse are the street users, and the small time distributors, who are distributing only for the purpose of financing their own habit. We do not see the bust of the producers of PCP, or of the major dealers. We catch, if I may use the term, the victim of the use of PCP, the person who is using.

Concentration needs to be placed not only on both, but on the laboratory and the major distributors. I am sure you are aware that there is a bill in the city council to increase the maximum punishment from 5 to 15 years, but we need to start busting these labs and the major distributors.

Senator SPECTER. Judge Newman, I agree with you, that we do need the enforcement work at those levels as well, but when we deal with the user of the PCP, and in a sense, that person is the victim of the system, but if that person is on probation or on parole, and has the potentiality for committing more crime, and the potentiality for hurting himself, as Dr. Burns has testified, we ought to be able to make that determination and have a mechanism in place to detain.

Judge NEWMAN. I agree with you fully, Senator.

CLOSING REMARKS OF SENATOR SPECTER

Senator SPECTER. Well, this has been very enlightening. I very much appreciate your coming.

Judge Newman, we will be glad to know that you will still be with us, although not the chief, and Mr. Polansky, give Judge Moultrie our regards, and tell him that we are sorry that he was not here, but we will very carefully consider his testimony, and we very much appreciate your coming in, Judge Ugast, and giving us the benefit of your thinking.

We commend you for your very difficult job presiding over the criminal division, the big city court system, it is very tough, and, Dr. Burns, your testimony has been very enlightening, and gives us some insights into what we ought to be doing in terms of our overall funding process in dealing with some of the very difficult drug problems.

SUBMITTED QUESTIONS

I have some questions which I will submit for response for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

DISTRICT OF COLUMBIA COURT OF APPEALS

SENATOR SPECTER:

1. The request of the Court of Appeals is only $80,000 more than the amount agreed to by the Council and the Mayor. What items were deleted?

CHIEF JUDGE NEWMAN:

1. The additional $80,000 requested by the Court of Appeals and not supported by the Mayor and the City Council includes: One micrographics operator position at $14,000; $48,000 for equipment and equipment rental; and $18,000 of the projected costs for supplies, materials and other services, which includes inflationary costs, increased computer paper and the costs of a new computerized legal research system (Westlaw). In addition, the Court of Appeals has also submitted a letter of request for $58,000 to cover additional compensation for the attorneys that work for the Court of Appeals on the Bar Examinations and on the Committee on the Unauthorized Practice of Law. These attorneys would be compensated at the rate of $35.00 per hour, a rate comparable to CJA attorneys.

SENATOR SPECTER:

2. The budget request includes funds for ADP system acquisitions. How much is involved and what is the justification for this expenditure?

CHIEF JUDGE NEWMAN:

2. The Court of Appeals' budget request includes $48,000 for ADP acquisitions and rentals. These funds represent a 5% inflationary factor, $18,000 for one disc drive for increased storage needs, $2,000 for one terminal to be used by a full-time statistical analyst and $20,000 for a high speed printer to keep up with the 2,000 plus dockets and case related form letters and notices.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:

1. The budget as submitted by the Mayor and Council is $3,377,000 less than requested by the Court. What constitutes that disparity?

CHIEF JUDGE MOULTRIE:

1. Of the $3,377,000 Superior Court budget request not supported by the Mayor and Council, $2,041,000 represents 54 positions, requested reallocations, overtime pay, fringe benefits and within-grade costs and an unfunded 1982 4% judicial pay raise. The remaining $1,336,000 in unsupported requests includes $113,000 in ADP software and hardware, training funds, and equipment and furniture replacement and rehabilitation. In addition, the Superior Court's budget base was cut by $1,205,368, which represents the $1,006,000 authorized by Congress at FY 1982 levels for the seven new

judges and supporting staff plus two years of within-grades, etc. for those positions.

SENATOR SPECTER:
2. The operating budget of the District notes that an additional Federal amount will be sought to cover the cost of the seven new judges in fiscal year 1985. What is the proposed source of this amount, the requested increase in the Federal Payment or some other source?

CHIEF JUDGE MOULTRIE:
2. We do not know what is contemplated by the Mayor and Council as the proposed Federal funding source to cover the cost of the seven new judges in fiscal year 1985.

DISTRICT OF COLUMBIA COURT SYSTEM

SENATOR SPECTER:
1. The District's request is $2,835,000 less than the Court System's request. What items make up that amount?

MR. POLANSKY:
1. The District has recommended $2,835,000 less than the request of the D.C. Court System. Included in this amount are three court reporter positions ($66,000), six positions relative to the CJA Program ($140,000), $27,000 for inflationary costs in printing, supplies and dues, $20,000 for within-grade costs and the unfunded fiscal year 1982 Executive Officer pay raise. The remaining $2,592,000 represents funds requested for CJA Program fees.

SENATOR SPECTER:
2. What is the estimate of the total amount that will be required for the Criminal Justice Act Program and how much has been allowed for that Program?

MR. POLANSKY:
2. We estimate that the total amount of Criminal Justice Act fees that will be required in fiscal year 1985 is $13,014,000, an increase of $7,400,000 over our current budget base. The Mayor and City Council have recommended a total of $10,422,000 which we project to be a $2,592,000 shortfall.

SENATOR SPECTER:
3. What has been the recent history of the number of billable hours for the CJA?

MR. POLANSKY:
3. We have calculated the number of hours for legal services paid under the CJA Program as follows:

Fiscal Year 1981	Fiscal Year 1982
179,540 Hours	209,970 Hours 16.9% Increase
Fiscal Year 1983	Fiscal Year 1984
269,350 Hours 28.3% Increase	316,480 Hours Projected 17.5% Increase

SENATOR SPECTER:

4. The Mayor and Council have also disallowed six positions connected with administering the CJA Program. What is the justification for those positions?

MR. POLANSKY:

4. Two of the positions requested for the CJA Program involve a Director and Staff Assistant for the establishment of a new Criminal Defense Assignment Unit as provided in a plan for furnishing representation of indigents in criminal cases. This plan has been established by the Joint Committee on Judicial Administration under the authorization of Title 11-2601 of the D.C. Code. This program is designed to relieve judges of the possible conflict inherent in the CJA appointment process. The Director would be responsible for the overall management of the Criminal Defense Assignment Unit, including the operation of an effective assignment system for indigent representation, administrative oversight of the attorney qualification and case assignment processes, and coordination of this program with the Public Defender Service, the private bar, judges and Court divisions. The other four positions include three Fees Examiners and one File Clerk to assist in the processing of CJA vouchers. Over 32,000 claims are projected to be submitted for examination and payment as opposed to the 17,600 vouchers presented in fiscal year 1978. The Unit has been staffed with five individuals since the CJA Program's inception in 1975. The CS-4 File Clerk would free the Fees Examiners to devote their time and expertise to the examination of claims.

SENATOR SPECTER:

5. Are the four Fees Examiner and clerical positions denied related to the seven new judges?

MR. POLANSKY:

5. The four positions denied, three Fees Examiners and one File Clerk, are only indirectly related to the seven new judges. These positions were requested because the Criminal Justice Act Finance Unit has had only five employees since fiscal year 1975, even though the annual volume of work for that Unit has more than doubled during the nine-year period. We do, however, anticipate additional workload increases as a result of adding seven judges to the bench.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you very much, gentlemen. The hearing is adjourned.

[Whereupon, at 11:35 a.m., Tuesday, June 12, the subcommittee recessed, to reconvene at 10 a.m., Wednesday, June 13.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, JUNE 13, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:11 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senators Specter and Leahy.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:
- **HON. DAVID A. CLARKE, CHAIRMAN, DISTRICT OF COLUMBIA CITY COUNCIL**
- **BETSY REVEAL, DIRECTOR, OFFICE OF BUDGET**
- **RICHARD SIEGEL, BUDGET DIRECTOR FOR COUNCIL OF THE DISTRICT OF COLUMBIA**

INTRODUCTION OF WITNESSES

Senator SPECTER. We will now commence the hearing of the District of Columbia Subcommittee of the Appropriations Committee, and we have with us this morning the chief executive of the District, the Honorable Marion S. Barry, Jr., Mayor of the District of Columbia; and the Honorable David A. Clarke, chairman of the District of Columbia City Council.

Gentlemen, if you would step forward, we will begin the hearing. Mayor Barry and Chairman Clarke, we have the full statements which will be made a part of the record, as is our custom.

We would be pleased to hear from you at this time on the highlights of your statements, or any way that you choose to proceed.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, thank you very much.

With me, just for the record, is Betsy Reveal, who is the budget director for the District of Columbia, and as you indicated, Mr. Clarke, the chairman of the city council is with us.

Let me apologize for just getting here. I was doing some work that ran a little bit longer than I expected, with a couple of the committees of the council. I apologize for your having to wait for a few minutes for me.

I want to also express my deep appreciation for your understanding of the D.C. government, and your understanding of cities, counties, and State governments, in how they operate, and some of the difficulties of the operations. You have been a great friend, but yet you have been clear in raising very critical questions, and very important questions about some of our program needs. I think that is good and we have been able to work together on these matters.

PREPARED STATEMENT

Mr. Chairman, I would like to ask that my entire statement be submitted for the record.

Senator SPECTER. Yes; it will be, Mr. Mayor.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

THANK YOU, MR. CHAIRMAN AND OTHER MEMBERS OF THE COMMITTEE, FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO TALK ABOUT CORRECTIONAL SERVICES IN THE DISTRICT OF COLUMBIA. FIRST, LET ME THANK YOU FOR THE AGGRESSIVE AND COURAGEOUS STAND YOU HAVE TAKEN IN PROPOSING AND DEFENDING FUNDING FOR THE DISTRICT'S CORRECTIONAL PROGRAM. YOU HAVE SUPPORTED OUR BASIC NEED FOR SAFETY AND SECURITY, AND YOU HAVE PROVIDED AN OPPORTUNITY FOR SOME BOLD STEPS THAT COULD HAVE A LONG-TERM IMPACT ON CORRECTIONS.

LET ME SAY THAT I AM KEENLY AWARE OF YOUR INTEREST IN THE AREA OF CORRECTIONAL SERVICES NATIONALLY AND I APPLAUD YOUR EFFORTS IN DEVELOPMENT OF THE "NATIONAL VIOLENT CRIME PROGRAM," SENATE BILL-889. THIS BILL CLEARLY EXPRESSES YOUR DESIRE TO BRING ABOUT PROGRESS ON A NATIONAL SCALE SIMILAR TO YOUR OVERALL OBJECTIVE OF IMPROVING CRIMINAL JUSTICE SERVICES IN THE DISTRICT OF COLUMBIA.

THIS BILL PROVIDES FOR IMPROVED DIAGNOSIS AND CLASSIFICATION OF PRISONERS JUST AS OUR SPECIAL APPROPRIATION WILL ALLOW US TO HIRE 31 ADDITIONAL CLASSIFICATION AND PAROLE STAFF. THE BILL PROVIDES FOR TRAINING IN JOB SKILLS AND BASIC LITERACY JUST AS OUR SPECIAL APPROPRIATION HAS ALLOWED US TO TEST ALL INMATES FOR SUBSEQUENT PLACEMENT IN APPROPRIATE TRAINING AND EDUCATIONAL PROGRAMS. THE BILL PROVIDES FOR PRISON CONSTRUCTION JUST AS OUR SPECIAL APPROPRIATION ENABLES US TO MAKE NEARLY $10 MILLION DOLLARS IN RENOVATIONS TO FACILITIES AT LORTON.

IN SUM, MR. CHAIRMAN, YOUR STEWARDSHIP OF THIS COMMITTEE HAS CAST THE DISTRICT IN THE FOREFRONT IN THIS CRITICAL AREA OF CORRECTIONAL SERVICES. WE ARE CARRYING OUT MANY OF THE

CORRECTIVE MEASURES IDENTIFIED BY S-889 AND ARE EXTREMELY PLEASED TO SERVE AS A MODEL FOR THE NATION.

SENATOR, I AM PLEASED TO BE ABLE TO TELL YOU THAT WE ARE WITNESSING SYSTEM WIDE PROGRESS IN THE CRIMINAL JUSTICE AREA. THE INCIDENCE OF SERIOUS CRIME HAS DECREASED, ARRESTS FOR SERIOUS CRIMES HAVE ABATED, THE CORRECTIONAL POPULATION HAS STABILIZED, AND WE ARE ENFORCING DRUG LAWS WITH RENEWED VIGOR. IN OTHER WORDS, WE ARE WINNING THE WAR ON CRIME!

AS WAS INDICATED YESTERDAY DURING YOUR TOUR OF LORTON, WE HAVE MADE CONSIDERABLE PROGRESS IN IMPLEMENTING THE SPECIAL EDUCATIONAL PROGRAMS. THE EVENING PROGRAM HAS 384 ENROLLEES, 335 ARE AT LORTON AND 49 ARE AT D. C. JAIL. THESE INMATES ATTEND CLASSES FROM 6:30 TO 9:30 P.M. ON MONDAYS AND WEDNESDAYS. CLASSES ARE OFFERED IN READING, LANGUAGE ARTS, MATHEMATICS, ART, MUSIC, TYPING AND WORD PROCESSING. AN ADDITIONAL 903 STUDENTS ARE ENROLLED IN EDUCATIONAL PROGRAMS DURING THE DAY AT LORTON.

I WISH TO THANK YOU NOT ONLY FOR YOUR INSIGHT ABOUT THE SUPPORT SERVICE NEEDS OF INMATES, BUT FOR ALSO PROVIDING THE FUNDING FOR NECESSARY FACILITIES' EXPANSION. WE HAVE EXPENDED $3.2 MILLION AS OF MARCH 31, 1984 AND EXPECT TO SPEND ANOTHER $6.1 MILLION BY THE END OF THIS FISCAL YEAR; LEAVING $3.1 MILLION FOR CARRY OVER INTO FISCAL YEAR 1985. THE PROJECTED SHORTFALL FOR FISCAL YEAR 1985 IS $9,3 MILLION IF WE ARE TO CONTINUE THE EDUCATIONAL PROGRAM AT THE SAME LEVEL AS FOR THIS FISCAL YEAR.

THE CAPITAL ALLOCATION OF 9.9 MILLION DOLLARS HAS ALLOWED US TO EXPAND BED CAPACITY AT THE OCCOQUAN FACILITIES AND ADD CLASSROOMS AND VOCATIONAL SHOPS NECESSARY FOR SMOOTH OPERATION OF THE EDUCATIONAL PROGRAMS.

WE BELIEVE THAT THE 954 ADDITIONAL BEDS ADDED OVER THE LAST TWO YEARS AND 300 NEW BEDS PLANNED FOR JANUARY OF 1985 WILL MORE THAN ADEQUATELY MEET THE PRISON SPACE NEEDS OF THE DISTRICT.

THE CORRECTIONAL POPULATION HAS REMAINED RELATIVELY STABLE FROM JANUARY 1983 THROUGH FEBRUARY 1984, AND THE JAIL POPULATION HAS ACTUALLY DECLINED BY 14 PERCENT. THE CURRENT JAIL POPULATION IS 1848. FURTHERMORE, INDICES FOR ESTIMATING SHORT-TERM CHANGE IN THE DISTRICT'S PRISON POPULATION, SUCH AS THE NUMBER OF CONVICTIONS AND ARRESTS, SUGGEST CONTINUED STABILIZATION IN THE SIZE OF THE INMATE POPULATION OVER THE NEXT 12 MONTHS.

NUMEROUS REASONS ACCOUNT FOR CHANGES IN PRISON POPULATIONS: POLITICAL ENVIRONMENT; CHANGES IN SENTENCING LAWS AND PRACTICES; LAW ENFORCEMENT POLICIES; ILLICIT DRUG AVAILABILITY; THE NUMBER OF PERSONS IN THE HIGH RISK AGE GROUP; AND ECONOMIC CONDITIONS. BECAUSE THESE FACTORS FLUCTUATE IN A MANNER DIFFICULT TO PREDICT, CRIMINAL JUSTICE RESEARCHERS AND PRACTITIONERS AGREE THAT PROJECTIONS OF PRISON POPULATIONS ARE TENTATIVE AND SUBJECT TO A FAIRLY SUBSTANTIAL MARGIN OF ERROR.

PROJECTIONS PREPARED BY MY STAFF, THAT ARE PRIMARILY BASED ON FUTURE ESTIMATES OF THE SIZE OF AN "AT RISK POPULATION GROUP" (MALES, 20-29 YEARS), APPEAR TO BE MORE ON TARGET IN PREDICTING FUTURE PATTERNS IN THE SIZE OF THE DISTRICT'S INCARCERATED POPULATION.

THESE PROJECTIONS PREDICT FUTURE CHANGES IN THE DISTRICT'S SENTENCED AND UNSENTENCED POPULATIONS. PRIOR PROJECTIONS PERFORMED BY THE FEDERAL BUREAU OF PRISONS AND PRESENTED IN THE GAO REPORT FAILED TO MAKE THIS DISTINCTION. THE ANALYSIS PERFORMED BY MY STAFF INDICATES THAT THE DISTRICT'S SENTENCED

POPULATION WILL REMAIN AT APPROXIMATELY 5500 THROUGH 1987, WHILE THE UNSENTENCED POPULATION WILL REMAIN AT APPROXIMATELY 950.

AS THE BABY BOOM COHORT MOVES TO HIGHER AGE RANGES, IT IS PREDICTED THAT BEGINNING IN 1988, THE DISTRICT'S SENTENCED POPULATION WILL GRADUALLY DECLINE IN SIZE TO APPROXIMATELY 4700 BY 1994, WHILE THE UNSENTENCED POPULATION IS PROJECTED TO DECLINE TO APPROXIMATLEY 800.

I REALIZE THIS COMMITTEE HOLDS SOME OF THE SAME CONCERNS I HAVE ABOUT DRUG USE IN OUR INSTITUTIONS.

DURING THE WEEK OF MARCH 19-23, 1984, WE TESTED SOME 3,300 RESIDENTS OF THE DEPARTMENT OF CORRECTIONS SEVEN INSTITUTIONS TO DETERMINE THE PRESENCE OF FOUR SUBSTANCES; OPIATES, AMPHETAMINES, COCAINE, AND PCP. OF THE 3,322, THREE-HUNDRED-THIRTY-EIGHT (338) RESIDENTS TESTED POSITIVE FOR ILLICIT DRUG USE. THESE 338 INMATES COMPRISE 10.2 PERCENT OF THE TOTAL NUMBER.

WE DO NOT HAVE COMPARATIVE DATA TO DETERMINE THE NATIONAL AVERAGE LEVEL OF DRUG USE IN INSTITUTIONS SINCE WE ARE, TO THE BEST OF MY KNOWLEDGE, THE ONLY JURISDICTION IN THE COUNTRY THAT HAS CONDUCTED THIS TYPE OF COMPREHENSIVE TESTING PROGRAM. LET ME SAY, THAT I AM COMMITTED TO ELIMINATING DRUG USE IN OUR PRISONS. A ONE PERCENT RATE IS UNACCEPTABLE TO ME! IT IS MY AIM TO REDUCE THE INCIDENCE OF DRUG USE IN OUR INSTITUTIONS TO ZERO, AND WITH THE MEASURES OF ENHANCED SEARCHES OF VISITORS AND INCREASED PENALTIES FOR VIOLATIONS, I BELIEVE THIS CAN BE DONE!

FURTHERMORE, INMATES WILL SOON LEARN THAT DRUG USE IN PRISON WILL DELAY RELEASE ON PAROLE SINCE WE WILL PLACE

GREATER EMPHASIS ON DETECTING DRUG USE AND DISCOURAGING IT WITH ALL THE RESOURCES AVAILABLE TO THE GOVERNMENT.

I NOW WISH TO FOCUS MY ATTENTION ON SENATE BILL-889, THE MOST COMPREHENSIVE PIECE OF CRIMINAL JUSTICE LEGISLATION OF THE PAST DECADE. WHILE THIS BILL ADDRESSES THE NEED TO CONTAIN VIOLENT CRIME, IT ACHIEVES ITS AIM BY ADDRESSING THE ANCILLARY ISSUES AS WELL.

IT IS OF UNQUESTIONABLE VALUE IN CONTROLLING CRIME TO EMPHASIZE PREVENTION, VICTIM WITNESS ASSISTANCE, RESEARCH, TRAINING AND REMEDIATION FOR PRISONERS, DRUG TREATMENT, AND JUVENILE DELINQUENCY INTERVENTION, EACH OF WHICH IS COVERED BY THIS LEGISLATION. FURTHERMORE, IT IS CRUCIAL IN THESE TIMES OF FEDERAL RETRENCHMENT, INCREASED DEMANDS FOR SOCIAL SERVICES AND HIGH UNEMPLOYMENT TO REMAIN COGNIZANT OF THE NEED TO APPROACH CRIMINAL JUSTICE ISSUES AND CONCERNS FROM A SYSTEMIC PERSPECTIVE. S.889 ACCOMPLISHES THIS GOAL AS IT INCLUDES AN ACCEPTABLE PHILOSOPHICAL APPROACH FOR REDUCING VIOLENT CRIME AND PROVIDES FUNDING TO SUPPORT NEEDED PROGRAMS.

AS YOU ARE AWARE, THE DISTRICT HAS ALREADY IMPLEMENTED MANY OF THE ELEMENTS CONTAINED IN THIS LEGISLATION. THE SUCCESS ATTAINED BY THE DISTRICT THROUGH IMPLEMENTATION OF PROGRAMS PROPOSED IN THIS LEGISLATION SHOULD CERTAINLY LEND TO THE CREDIBILITY OF YOUR PROPOSED INITIATIVES.

FOR EXAMPLE, THE DISTRICT HAS, FOR SEVERAL YEARS, SUCCESSFULLY OPERATED CAREER CRIMINAL UNITS FOR BOTH JUVENILE AND ADULT OFFENDERS. THE METROPOLITAN POLICE DEPARTMENT, IN CONJUNCTION WITH LOCAL PROSECUTORS, IDENTIFIES INDIVIDUALS WHO ARE KNOWN CAREER CRIMINALS. THEY DOCUMENT PRIOR CRIMINAL HISTORIES SO THAT PROSECUTORS AND JUDGES CAN TAKE EXTENSIVE CRIMINAL BACKGROUNDS INTO ACCOUNT WHEN CONSIDERING

PROSECUTORIAL OPTIONS, BOND-SETTING, AND SENTENCING. EARMARKING RESOURCES TO ARREST, PROSECUTE, AND LOCK-UP THE RELATIVELY SMALL NUMBER OF INDIVIDUALS WHO ACCOUNT FOR A SIGNIFICANT PERCENTAGE OF CRIMES IS A REASON OFTEN CITED FOR THE DISTRICT'S OVERALL 12 PERCENT REDUCTION IN REPORTED CRIME IN 1983.

YOUR PROPOSED LEGISLATION ALSO CALLS FOR ASSISTANCE IN EXPANDING NATIONAL CRIME PREVENTION EFFORTS. THE DISTRICT HAS ENJOYED GREAT SUCCESS IN GAINING THE SUPPORT OF CITIZENS IN THE FIGHT AGAINST CRIME. CURRENTLY, THERE ARE OVER 63,000 HOUSEHOLDS PARTICIPATING IN NEIGHBORHOOD WATCH PROGRAMS. SPECIAL CRIME PREVENTION WORKSHOPS FOR BUSINESSES ARE BEING HELD ON A REGULAR BASIS THROUGHOUT THE DISTRICT, AND POLICE OFFICERS AND DRUG PREVENTION SPECIALISTS HAVE BEEN ASSIGNED TO WORK WITH PUBLIC SCHOOL CHILDREN WHO ARE AT RISK OF BECOMING INVOLVED IN CRIMINAL ACTIVITY. CRIME PREVENTION PROGRAMS WORK AND THEY REPRESENT THE MOST EFFICIENT WAY TO CURB FUTURE CRIME!

OTHER ONGOING DISTRICT CRIMINAL JUSTICE INITIATIVES THAT ARE COMPATIBLE WITH ELEMENTS CONTAINED IN YOUR PROPOSED LEGISLATION INCLUDE A VICTIMS OF VIOLENT CRIME COMPENSATION PROGRAM, SPECIAL JUVENILE DELINQUENCY INTERVENTION PROGRAMS, AND SPECIAL DETECTIVE SQUADS THAT CONCENTRATE ON ARRESTING DRUG DEALERS AND BREAKING UP FENCING OPERATIONS.

CRIME IS A NATIONAL PROBLEM THAT REQUIRES A COORDINATED EFFORT BY THE FEDERAL AND LOCAL GOVERNMENTS. BILL S.889 OFFERS THIS APPROACH, AND PROPOSES TO FUND INITIATIVES THAT HAVE PROVEN TO BE SUCCESSFUL IN THE DISTRICT AS WELL AS OTHER JURISDICTIONS. FOR THESE REASONS, I FULLY SUPPORT ENACTMENT OF BILL S.889 TO AUTHORIZE APPROPRIATIONS FOR CARRYING OUT THE NATIONAL CRIME PROGRAM OF THE DEPARTMENT OF JUSTICE.

IN CONCLUSION, I AGAIN WANT TO EXPRESS MY APPRECIATION FOR THE PROGRESSIVE SUPPORT PROVIDED THE DISTRICT BY THIS COMMITTEE AND I HOPE THESE MEASURES WILL BE REPLICATED ACROSS THE NATION THROUGH PASSAGE OF SENATE BILL-889.

HIGHLIGHTS OF FISCAL YEAR 1985 BUDGET

Mayor BARRY. In the interest of your own schedule, which you indicated may be cut short, I would just like to highlight some of the budget that is before you.

The budget before you, reaffirms the District of Columbia's commitment to programs and services necessary to support those in need, while ensuring that all of our residents in the business that is based here, have the maximum opportunity to be employed, productive, and independent.

Mr. Chairman, you and the members of the subcommittee have carefully followed the financial conditions of the District of Columbia in the past several years.

When I ran for Mayor in 1978, I ran on a platform of programs for people, and progress for people. However, I quickly discovered that our books were not in order, that the D.C. government had not been audited in the history of that government, and that we were in pretty bad shape.

I am happy to report to you, as you have been following, that our last three consecutive budgets have been balanced in accordance with the strictest possible accounting standards. In our most recently completed year, fiscal year 1983, just like it was in fiscal years 1981 and 1982, not only did we end the fiscal year with a balanced budget, but we substantially reduced the accumulated general fund deficit.

The Congress had indicated that we should reduce the general fund deficit by $20 million. I am happy to report that we reduced the general fund deficit by $17 million in fiscal year 1983. We would have made the $20 million reduction except we tried to put some financial restraints on the school system which the courts overturned. If the courts had not overturned our actions, we would have made the $20 million reduction in our general fund deficit.

I think that is significant in the sense that the Municipal Financial Officer's Certificate of Conformance is a rare award that a local government can get. The District received it for the second consecutive year. Only two other States have been similarly honored, and they are Maryland and Tennessee.

I think again it demonstrates that we are committed to financial stability, financial integrity, and keeping our books in order.

Mr. Chairman, as you very well know, the best of intentions, and the best programs can go astray, if you do not know where your moneys are being spent, and what they are being spent on. So I am proud that our financial records have been established without major reductions in programs, without the significant annual tax increases, or without undermining the long-term financial condition of this jurisdiction.

I remain convinced, as ever before, that fiscal responsibility and social responsibility are not incompatible. We have sustained in this budget our most important jobs, education, and human support programs, in the face of almost constant restraint. We will continue to do so, as we deal with the gap that persists between our community needs and the Government's resources.

AGREEMENT ON FUNDING LEVEL FOR SCHOOL BOARD

Mr. Chairman, one of the positive things about the 1985 budget is that for the first time in the history of the elected school board, the Mayor, the council, and the school board have agreed upon a budget.

As you may recall from last year, the school board submits a budget, traditionally higher than the Mayor can fund with available resources. There is always this acrimonious institutional battle which goes on.

But because of the leadership of David Eaton, who chairs the school board, and the outstanding work of our superintendent of schools, Floretta McKenzie, and our Budget Office, we were able to come up with a funding level that was agreeable with the school board, the Mayor, and the council. It will make your job easier rather than having to decide between two competing and conflicting numbers.

REFINING BUDGET PROCESS

Mr. Chairman, we have also been able to refine our budget process, which you have before you. It is information that is more simplified, in my view, it is readable, and certainly it is accurate.

Because of our financial management system, we are now able to get actual spending for fiscal year 1983, as compared to that which was appropriated. We are now able to predict, with a greater degree of success, our 1984 spending pattern.

Mr. Chairman, let me also say that we learned from the past, in order to better improve the future. There was a time we released midyear spending reports, as we did last year. We indicated we had a potential deficit of $110 million unless action was taken. I am beginning to get the impression that the media and some of our citizens really started thinking that these were mirror games that we were playing, that we really were not serious about having a potential deficit. As it would be, the last 3 years we ended up with a balanced budget, and a revenue overage, over expenditures for that particular year.

This year we decided not to add to the doubt, and add to the possible skepticism that is raised by the media, and some members of the council. Let me just say that our midyear progress looks good. We are going to have some difficulty, but we are going to again balance our 1984 budget, without any major tax increases, without any reductions in force, and without any disruption of services.

RESOLVING THE MEDICAID PROBLEM

Again, it demonstrates our ability to know where our problems are, and to quickly resolve them. One of our major problems has been the Medicaid Program. As you know, around the Nation medicaid is an uncontrollable cost, which is affecting both the Federal Government, State governments, and local governments.

On one side of the medicaid picture, though, we have been very fortunate to sign what we call the Medicaid-Maxi Cap. That is to control the amount of spending for patients in hospitals. That cap is $103 million this year.

Again, we think that ought to be used as a model for the country. Maybe that is an area that you would like for your colleagues to look at, as to how the Federal Government, working with State governments, can control its medicaid and medicare costs.

DISCRETIONARY AND NONDISCRETIONARY AREAS

Mr. Chairman, also as you look at this budget, nearly 40 percent of it is what we call mandated costs—debt service, retirement contributions, Metro funding, medicaid—areas that you just cannot cut, if you wanted to. That leaves us about 60 percent for discretionary discussion. For some that is not real, because there is no way you can reduce the educational budget below last year's budget, and not have a revolt among teachers and students and parents.

In other areas, such as police, there is no way you can reduce that spending, if you wanted to. In an area that you spend a lot of time in, corrections, even though there is technically, some discretion there, there is no way that you can reduce that spending, because the prison system is already bulging at the seams.

PROGRESS IN THE CORRECTIONS AREA

Also, Mr. Chairman, let me indicate that we are particularly complimentary of your efforts, and appreciative of your efforts in the corrections area. You have broken new ground; you have caused us to look more critical at ourselves; you have caused us to be more creative and imaginative in our efforts to rehabilitate, as well as to incarcerate. I think we can look at our prison system, both our detention system, the D.C. jail, which you visited, and at our institutions in Lorton, Va., and you will find that the D.C. government operates one of the safest penal institutions in America.

If you look at our escape rate; if you look at our walkaway rate, and look at all the things that you measure security by, you find that our system is secure.

We are also fortunate, Mr. Chairman, that we have not had these great outbreaks and uprisings that other prison systems are experiencing. That does not mean that something may not happen. We have been fortunate in the last 5 years by not having any major outbreaks, or any major riots, or upheavals in our system

I think what is contributing to part of that is the way we view our prisoners. More importantly, this year has been a landmark year for us in the sense that we have, as you know, initiated, because of your financial efforts in this area, a major educational initiative.

I have expressed to you, on several occasions, that I was not happy with the progress of it initially, but it is now on its way. I think it could have moved faster. I would say that as we look back, we are probably about 2 months behind, where I think we should have been at this time. Because of the presence of Dr. Margaret LaBatt, my personal involvement every week, Mr. Downs' personal involvement, as well as the commitment of Mr. Palmer, we are seeing great progress in this area.

We are going to have to work awfully hard in the next 2 or 3 months to make up for the time that we have lost. We intend to keep our commitment, that by September 30, we will have approximately 2,000 people actively involved in educational training.

As I indicated to you at another hearing, we have to act with restraint in this area, though, in the sense that we would not want to have a large number of people trained who come out of our institutions with no jobs. There has to be a direct correlation between job placement and job training, because in my opinion if we have young people who come out of our institutions with some degree of training, and yet not able to get a meaningful and decent job under sanitary and safe working conditions and at a good salary, it will add to frustrations. It will, I think, set us back.

SERIOUS PROBLEM WITH DRUGS

We still have some serious problems with narcotics in our institutions. I share your view, and certainly it is my view that we should not have any narcotics at all, not only in our institutions, we should not have them in the streets of Washington, D.C. It is a societal problem.

As you know, we did a massive drug testing program. We took some very tough measures of taking away visiting privileges from those who had not participated in the program, and all those who had positive urine samples, have noncontact visits

I think more needs to be done, but it is an area where I welcome any input and suggestions. It is something that I do not have the complete answer to, except that it is a societal problem that we all must tackle. We are going to keep on looking at it, and we are going to be vigilant.

But relatively speaking, it is under control. If you look at prison systems around the Nation, you will find that they too have problems. In fact, some of those prison systems have more of a serious problem than we do, but we are making progress in that area

Also, Mr. Chairman, in the area of public safety, you will find that the D.C. government and the Metropolitan Police Department are making great improvements in the area of safety for our citizens. We experienced almost a 13-percent reduction in crime last year, compared to the Nation's national reduction of about 7 percent.

DEVELOPMENT IN THE DISTRICT

As you look around the District you see development going on. The Pennsylvania Avenue Development Corp. is moving ahead to develop Pennsylvania Avenue. Housing is coming to the Avenue for the first time. We have the Post Office Pavilion. Our new office building at 14th and U Streets NW. will be open in the spring of next year, adding possible economic vitality to that area, which was destroyed by the riots. We are in the process of moving vigorously to develop H Street NE. We are doing a range of things that we think are important.

APPRECIATIVE OF SENATOR SPECTER'S COMMITMENT

But, finally, let me again thank you for your commitment to the job, and also your commitment to the District. I suspect that if you and I both had our way about this matter, we would both advocate that the District government ought to have complete home rule, and ought to have complete budget authority.

But, on the other hand, since you do have the legal and constitutional responsibility for these oversight hearings, I certainly appreciate your understanding of the budget, understanding of our problems, and I appreciate your commitment, particularly in the criminal justice area. This is an area that needs a lot of help, and any suggestions that you have as to how we can improve ourselves certainly would be very appreciative. As I was closing, I see that Senator Leahy has come in. Good to see you, Senator.

OPENING REMARKS OF SENATOR LEAHY

Senator LEAHY. Good to see you, Mr. Mayor.

Mayor BARRY. I hope you get your softball team ready this spring, so that we can beat you again. I hope it does not cost us any money for beating you.

Senator LEAHY. I want you to know, Mr. Chairman, if the Mayor would yield at that point, we at one time went out to play softball with him, and we tried to be very fair, I was recovering from my broken back, that sort of condition, those poor young kids who had come down from Vermont to be interns, and we found that they had fielded the Metropolitan Police Department's SWAT team as an outfield.

After the first inning, the score, I think was 82 to nothing, and this was softball now. We finally got a few runs toward the end, but then, to make absolutely sure that he won, even with that kind of an advantage, he sneaked cases of ice cold beer, on a warm evening, over to my infield, and they were just useless by the third inning, so be very careful if you play softball with the Mayor's team.

Mayor BARRY. Thank you, Mr. Chairman; we are open for questions and discussions on any points that you may have.

Senator SPECTER. I would like to turn now to the chairman, David A. Clarke.

Thank you for being with us

Chairman Clarke, your full statement will be made a part of the record. We are pleased to hear from you.

OPENING REMARKS OF COUNCIL CHAIRMAN DAVID CLARKE

Mr. CLARKE. Thank you very much, sir.

Mr. Chairman and other distinguished members of the subcommittee, I am David Clarke, Chairman of the Council, and I am here on behalf of the Council to testify on the District of Columbia's fiscal year 1985 budget.

The Council moved expeditiously to review the budget during the limited 50-day period granted to it for review by the Home Rule Act.

The Council reduced the budget by $12 million, incorporated $35 million in line item decreases and increases, and amended the budget to provide $10 million to further reduce the accumulated general fund deficit.

The fiscal year 1985 budget builds upon and advances many policy decisions made by the Council during consideration of the fiscal year 1984 budget. In many ways, the fiscal year 1985 budget reflects those priorities which the Council insisted on in the changes that it made in the current fiscal year 1984 request.

Moreover, the budget enacted by the Council reflects the product of improved information exchange between the executive branch and the Council, as well as many hours of testimony by citizens regarding the needs of the District. Improved cooperation between the executive and the legislature, at least up to the point of consideration of the 1985 budget, has not only been reflected programmatically, but has also led to a budget which contains better information than in previous years.

The budget reviewed by the Council contained many explanations of energy costs, employment levels, program measures, and for the first time, contained actual expenditures for the fiscal year just ended.

The Mayor has made improvements to the budget document which gives the Council greater access to information which is under the executive's control. These improvements, I believe, have facilitated the decisionmaking process, and will utimately benefit the citizens of the District of Columbia. I wish that those improvements could continue.

The fiscal year 1985 budget not only provides modest program advances in health, social services, job training, and housing programs, but also provides resources for replacing old and unserviceable vehicles, improved maintenance and repairs of public facilities, including public housing, which for many years has been deferred.

Probably, the best single way to characterize the District's fiscal year 1985 budget is to say it is realistic. It requires more tax increases than I would have personally wanted to support, but for the first time in many years, it provides the potential for our dedicated and competent work force to have adequate resources to do their job, and to do it well.

Senator SPECTER. Chairman Clarke, to the extent that you could summarize, we would be very appreciative.

Mr. CLARKE. I thought I was doing that, sir, but I will just submit the rest of it for the record.

PREPARED STATEMENT

Senator SPECTER. That would be great. We are going to be limited, as I had said to the Mayor, to conclude the hearing shortly before 11 o'clock because of some other commitments, and I do not wish to hurry you unduly, but the full statement will be made a part of the record, and to the extent that you could summarize it.

Mr. CLARKE. I will submit the statement, sir.

Senator SPECTER. All right, fine. Thank you very much.

[The statement follows:]

STATEMENT OF DAVID A. CLARKE

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, I AM DAVID A. CLARKE, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA AND I AM HERE TODAY ON BEHALF OF THE COUNCIL TO TESTIFY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1985 BUDGET AS ENACTED BY THE COUNCIL ON MARCH 13, 1984 AND SIGNED BY THE MAYOR ON APRIL 2, 1984.

THE BUDGET ENACTED BY THE COUNCIL TOTALS $2,300,662,200 IN AUTHORITY FOR FISCAL YEAR 1985. OF THIS AMOUNT $2,043,653,100 IS ALLOCATED TO THE DISTRICT'S GENERAL FUND, $90,842,000 TO CAPITAL OUTLAY WITHIN THE GENERAL FUND, AND $162,286,100 TO THE WATER AND SEWER ENTERPRISE FUND FOR OPERATING PURPOSES AND CAPITAL PROJECTS. THE COUNCIL ALSO ALLOCATED $3,531,000 TO THE LOTTERY AND CHARITABLE GAMES CONTROL BOARD FOR ITS OPERATING NEEDS, AND ESTABLISHED A CABLE TELEVISION ENTERPRISE FUND WITH EXPECTED REVENUES OF $250,000 TO OVERSEE AND COORDINATE THE PROCESS OF BRINGING CABLE COMMUNICATIONS TO RESIDENTS OF THE NATION'S CAPITAL.

THE BUDGET WAS SUBMITTED BY THE MAYOR TO THE COUNCIL ON FEBRUARY 1, 1984 TO COINCIDE WITH THE SUBMISSION OF THE DISTRICT'S ANNUAL AUDIT. THE COUNCIL MOVED EXPEDITIOUSLY THROUGH REVIEW OF THE BUDGET DURING THE LIMITED 50-DAY PERIOD GRANTED TO IT FOR REVIEW BY THE HOME RULE ACT. THE COUNCIL REDUCED THE BUDGET BY $12.0 MILLION, INCORPORATED $35.0 MILLION IN LINE-ITEM DECREASES AND INCREASES, AND BUDGETED $10.0 TO FURTHER REDUCE THE ACCUMULATED GENERAL FUND DEFICIT.

THE FISCAL YEAR 1985 BUDGET BUILDS UPON AND ADVANCES MANY POLICY DECISIONS MADE BY THE COUNCIL DURING CONSIDERATION OF THE FISCAL YEAR 1984 BUDGET. IN MANY WAYS, THE FISCAL YEAR 1985 BUDGET REFLECTS THOSE PRIORITIES WHICH THE COUNCIL INSISTED ON IN

THE CHANGES IT MADE TO THE CURRENT FISCAL YEAR 1984 REQUEST. MOREOVER, THE BUDGET ENACTED BY THE COUNCIL, REFLECTS THE PRODUCT OF IMPROVED INFORMATION EXCHANGE BETWEEN THE EXECUTIVE BRANCH AND THE COUNCIL AS WELL AS MANY HOURS OF TESTIMONY BY CITIZENS REGARDING THE NEEDS OF THE DISTRICT. IMPROVED COOPERATION BETWEEN THE EXECUTIVE AND THE LEGISLATURE HAS NOT ONLY BEEN REFLECTED PROGRAMMATICALLY, BUT HAS ALSO LED TO A BUDGET WHICH CONTAINS BETTER INFORMATION THAN IN PREVIOUS YEARS. THE BUDGET REVIEWED BY THE COUNCIL CONTAINED IMPROVED EXPLANATIONS OF ENERGY COSTS, EMPLOYMENT LEVELS, PROGRAM MEASURES, AND FOR THE FIRST TIME, CONTAINED ACTUAL EXPENDITURES FOR THE FISCAL YEAR JUST ENDED. THE MAYOR HAS MADE IMPROVEMENTS TO THE BUDGET DOCUMENT WHICH GIVES THE COUNCIL GREATER ACCESS TO INFORMATION WHICH IS UNDER THE EXECUTIVE'S CONTROL. THESE IMPROVEMENTS, I BELIEVE, HAVE FACILITATED THE DECISION-MAKING PROCESS AND WILL ULTIMATELY BENEFIT THE CITIZENS OF THE DISTRICT OF COLUMBIA.

THE FISCAL YEAR 1985 BUDGET NOT ONLY PROVIDES MODEST PROGRAM ADVANCES IN HEALTH, SOCIAL SERVICES, JOB TRAINING AND HOUSING PROGRAMS BUT ALSO PROVIDES RESOURCES FOR REPLACING OLD AND UNSERVICEABLE VEHICLES, IMPROVED MAINTENANCE AND REPAIRS OF PUBLIC FACILITIES -- INCLUDING PUBLIC HOUSING -- WHICH FOR MANY YEARS HAS BEEN DEFERRED. THE BUDGET SQUARELY ADDRESSES A NUMBER OF PERSONNEL AND PROGRAM FINANCING PROBLEMS SUCH AS UNDERFUNDING OF SALARIES, THE DECLINING VALUE OF FEDERAL REVENUES DUE TO INFLATION AND CUTS IN GRANT PROGRAMS, AND AN UNWORKABLE SYSTEM OF BUYING AND SELLING SERVICES AND GOODS AMONG AGENCIES. THESE ISSUES HAVE CONSISTENTLY REQUIRED MID-YEAR BUDGET COURSE CORRECTIONS FOR THE PAST FISCAL YEARS WHICH HAVE RESULTED IN DECREASED PRODUCTIVITY AND LOW EMPLOYEE MORALE AS WELL AS AN END-OF-YEAR APPLICATION OF MANAGEMENT AND ACCOUNTING CONTROLS TO ASSURE THAT REVENUES EXCEED EXPENDITURES.

PROBABLY, THE BEST SINGLE WAY TO CHARACTERIZE THE DISTRICT'S FISCAL YEAR 1985 BUDGET IS TO SAY THAT IT IS REALISTIC. IT REQUIRES MORE TAX INCREASES THEN I WOULD HAVE PERSONALLY WANTED TO SUPPORT BUT, FOR THE FIRST TIME IN MANY YEARS, IT PROVIDES THE POTENTIAL FOR OUR DEDICATED AND COMPETENT WORKFORCE TO HAVE ADEQUATE RESOURCES TO DO THEIR JOB AND DO IT WELL. IT RECOGNIZES THE IMPACT OF MANY YEARS OF INFLATION, THE DEFERRAL OF CRITICAL EQUIPMENT MAINTENANCE AND PURCHASES, THE CONTINUAL ABSORPTION BY THE AGENCIES OF MANDATORY PERSONNEL COST INCREASES AND HOLDING VACANT POSITIONS OPEN TO FUND OTHER NEEDS.

THE FISCAL YEAR 1985 BUDGET IS ALSO HUMANE. IT PROVIDES RESOURCES FOR THOSE INDIVIDUALS AND FAMILIES WHO, FOR LEGITIMATE REASONS, MUST DEPEND UPON GOVERNMENT FOR BASIC SUPPORT. OUR GOVERNMENT IS A CARING GOVERNMENT. THE FISCAL YEAR 1985 BUDGET PROVIDES A MODEST INCREASE IN PAYMENTS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN AND GENERAL PUBLIC ASSISTANCE RECIPIENTS. IT PROVIDES INCREASED RESOURCES FOR OUR HOMELESS CITIZENS WHO NEED GOVERNMENT FOR TEMPORARY SUPPORT. IT ABIDES BY A FUNDAMENTAL PHILOSOPHY THAT THOSE WHO CAN AFFORD TO PAY TAXES MOST BE ASKED TO PAY THE MOST, WHILE THOSE WHO CAN NOT AFFORD TO PAY, CANNOT BE REQUIRED TO GIVE UP WHAT LITTLE THEY HAVE. OUR GOVERNMENT IS COMMITTED TO MEETING THE NEEDS OF THE POOR, MOVING PEOPLE FROM DEPENDENCE TO INDEPENDENCE, AND ULTIMATELY TO PROTECTING THE HUMAN DIGNITY OF THOSE WHO MUST DEPEND UPON US FOR SURVIVAL.

THE 1985 BUDGET PROVIDES PROGRAM INCREASES TARGETED TO PEOPLE IN NEED INCLUDING INCREASED RESOURCES FOR CHILD PROTECTIVE SERVICES, FOSTER CARE, DAY CARE, MEDICAL CHARITIES, EMPLOYMENT TRAINING PROGRAMS, AND FEES PAID TO ATTORNEYS WHO REPRESENT NEGLECTED AND ABUSED CHILDREN. IT PROVIDES INCREASES FOR EDUCATION, RECREATION, HOME PURCHASE ASSISTANCE, PUBLIC HOUSING, TUBERCULOSIS SCREENING, MEDICAID AND OTHER SOCIAL AND

HEALTH SERVICE AREAS REQUIRED TO MAINTAIN THE HEALTH AND WELFARE OF OUR CITIZENRY.

THIS GOVERNMENT IS ALSO COMMITTED TO SOUND FINANCIAL MANAGEMENT AND TO MAINTAINING AND BUILDING ITS FINANCIAL CREDIBILITY. WE HAVE A GOOD TRACK RECORD. SINCE THE DISCOVERY OF THE ACCUMULATED GENERAL FUND DEFICIT IN 1980, THE DISTRICT OF COLUMBIA HAS ENDED THREE FISCAL YEARS IN A ROW WITH AN EXCESS OF REVENUES OVER EXPENDITURES. THIS EXCESS AMOUNTS TO NEARLY $100.0 MILLION AND HAS REDUCED THE ACCUMULATED DEFICIT FROM $377.8 MILLION AT THE END OF FISCAL YEAR 1980 TO $279.4 MILLION AT THE END OF THE FISCAL YEAR JUST ENDED. SINCE 1980, THE DISTRICT HAS BORROWED UPWARDS OF $150.0 MILLION A YEAR FROM THE U. S. TREASURY TO MEET ITS SEASONAL CASH FLOW REQUIREMENTS AND HAS CONSISTENTLY REPAID THESE MONIES ON TIME. THIS YEAR, FOR THE FIRST TIME, THE DISTRICT ENTERED THE PRIVATE MONEY MARKET AND SUCCESSFULLY SOLD $150.0 MILLION IN REVENUE ANTICIPATION NOTES -- AT COMPETITIVE MARKET RATES -- WHICH WE PLAN TO PAY OFF ON TIME. FOR TWO YEARS IN A ROW -- SINCE THE CONDUCT OF THE FIRST INDEPENDENT AUDIT IN 1980 -- THE DISTRICT OF COLUMBIA HAS BEEN AWARDED A CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING FROM THE MUNICIPAL FINANCIAL OFFICERS ASSOCIATION. THIS AWARD PLACES THE DISTRICT OF COLUMBIA IN THE 99TH PERCENTILE WITH RESPECT TO MEETING STRINGENT FINANCIAL REPORTING STANDARDS AMONG STATE, COUNTY, AND MUNICIPAL GOVERNMENTS IN CANADA AND THE UNITED STATES.

THE DISTRICT OF COLUMBIA HAS BEEN MANAGING ITS FISCAL AFFAIRS AS WELL AS IF NOT BETTER THAN OTHER MUNICIPALITIES WITH SIMILAR PROBLEMS WHILE BALANCING EXPENDITURES TO REVENUES. IN ORDER TO CONTINUE THIS PROGRESS A NUMBER OF ISSUES NEED TO BE ADDRESSED JOINTLY BY THE DISTRICT GOVERNMENT AND THE CONGRESS AND IN A MANNER WHICH IS CONSISTENT WITH THE "HOME RULE" PURPOSE AND

POSTURE WHICH HAS BEEN ACTIVELY PURSUED BY CONGRESS DURING THE PAST SEVERAL DECADES.

FIRST, FURTHER REDUCING THE ACCUMULATED GENERAL FUND DEFICIT IS A TOP PRIORITY OF THIS GOVERNMENT. OUR COMMITMENT TO REDUCING THE ACCUMULATED DEFICIT IS EVIDENCED BY THE ANNUAL BUDGETING OF AN EXCESS OF REVENUES OVER EXPENDITURES AND ACHIEVING THIS EXCESS FOR FOR THREE CONSECUTIVE FISCAL YEARS. IN THE FISCAL YEAR 1985 BUDGET $10.0 MILLION IS SET ASIDE FOR THIS PURPOSE. THE ACCUMULATED GENERAL FUND DEFICIT, HOWEVER, IS A MUTUAL RESPONSIBILITY OF CONGRESS AND THIS HOME-RULE GOVERNMENT SINCE A CONSIDERABLE PORTION OF THE DEFICIT WAS ACCUMULATED DURING THE THE PERIOD PRIOR TO HOME RULE. ELIMINATING THE DEFICIT CALLS FOR A JOINT CONGRESSIONAL AND DISTRICT GOVERNMENT SOLUTION. RESOLVING THIS ISSUE PRIOR TO THE END OF FISCAL YEAR 1985 SHOULD BE A KEY AND MUTUAL OBJECTIVE. THE COUNCIL STANDS READY TO WORK WITH THE APPROPRIATE AUTHORIZING AND APPROPRIATION COMMITTEES OF CONGRESS DURING THE NEXT SEVERAL MONTHS TO REACH AN AGREEABLE SOLUTION.

SECOND, PASSAGE OF H. R. 3424, WHICH CALLS FOR AN EQUITABLE AND FORMULA-BASED FEDERAL PAYMENT, IS CRITICAL TO THE LONG-TERM FISCAL HEALTH OF THE DISTRICT OF COLUMBIA. THE FORMULA SET FORTH IN H. R. 3424 ESTABLISHES A METHODOLOGY WHICH WILL ALLOW THE DISTRICT OF COLUMBIA GOVERNMENT TO PREDICT WHAT THE FEDERAL PAYMENT WILL BE EACH YEAR. THE CAPACITY TO PREDICT IS AN EXTREMELY IMPORTANT PROVISION FOR IT WILL ALLOW THE DISTRICT TO FORECAST THE FEDERAL PAYMENT AS IF IT WERE ONE OF THE SEVERAL STANDARD REVENUE SOURCES OF THIS MUNICIPALITY. THIS CAPABILITY IS CRUCIAL TO THE DISTRICT'S NEED TO KNOW IN ADVANCE AND AS PRECISELY AS POSSIBLE ITS REVENUE SOURCES EACH YEAR TO MORE ACCURATELY DETERMINE THE LEVEL OF OUR ANNUAL OPERATING BUDGET. THE FORMULA BASED CONCEPT ALSO HAS THE ADVANTAGE OF REMOVING THE FEDERAL PAYMENT FROM POLITICAL DISCUSSION SURROUNDING THE

DISTRICT'S ANNUAL BUDGET. A PREDICTABLE AND EQUITABLE FEDERAL PAYMENT WOULD BE A SIGNIFICANT ADVANCEMENT FOR THE DISTRICT AND IS CRUCIAL TO POSITIONING THE DISTRICT IN A MORE POSITIVE AND COMPETITIVE LIGHT BEFORE POTENTIAL INVESTORS AS THE DISTRICT ENTERS THE MUNICIPAL BOND MARKET. PASSAGE OF THIS BILL BY THE END OF FISCAL YEAR 1984 WILL PROVIDE THE DISTRICT WITH A MEASURABLE STEP FORWARD IN OUR CONTINUING EFFORT TO FINANCE OUR CAPITAL PROGRAMS AT COMPETITIVE AND AFFORDABLE RATES WHICH ULTIMATELY BENEFIT THE TAXPAYERS.

THIRD, FISCAL YEAR 1985 SHOULD BE THE BEGINNING OF SERIOUS AND PRODUCTIVE DISCUSSIONS REGARDING FULL FISCAL AUTONOMY FOR THE DISTRICT OF COLUMBIA. THE DISTRICT HAS DEMONSTRATED ITS ABILITY TO PROFESSIONALLY AND SKILLFULLY MANAGE ITS RESOURCES. WITH THE ASSISTANCE OF THE U. S. CONGRESS DURING THE LAST SEVERAL YEARS, THE DISTRICT HAS SUCCESSFULLY IMPLEMENTED AN AUTOMATED ACCOUNTING AND BUDGETING SYSTEM. IT HAS INSTITUTED A STRONG CONTROLLERSHIP FUNCTION. PROGRESSIVE INCREASES IN WATER AND SEWER SERVICE RATES HAVE BEEN LEGISLATED TO ASSURE THAT THE WATER AND SEWER ENTERPRISE FUND WILL BE ON A SOUND FOOTING IN FUTURE YEARS. THE DISTRICT HAS RECEIVED FOUR SUCCESSIVE UNQUALIFIED AUDIT OPINIONS AND HAS COMBINED ITS REVENUE, BUDGETING, AND ACCOUNTING ACTIVITIES UNDER A SINGLE FINANCE OFFICE TO COORDINATE ALL ASPECTS OF FINANCIAL MANAGEMENT. THE DISTRICT HAS DEMONSTRATED ITS CONTINUING APPRECIATION OF THE FEDERAL INTEREST IN THE NATION'S CAPITAL WHEN LEGISLATING LOCAL ORDINANCES.

FOURTH, WE ASK THAT THE CONGRESS SUPPORT THE DISTRICT'S MARK FOR SUBSIDIZING PROGRAMS AT ST. ELIZABETHS HOSPITAL. TO TURN OVER THE FACILITY AND ITS OPERATIONS TO THE DISTRICT IS LIKE ASKING A COMMUTER AIRLINE TO OPERATE AN INTERNATIONAL AIRLINE. THE FACILITY IS TOO LARGE AND TOO OLD TO MEET THE NEEDS OF A MUNICIPALITY OF THIS SIZE. FOR THE LAST SEVERAL YEARS THE

DISTRICT HAS MOVED AWAY FROM AN INSTITUTIONALIZED APPROACH TO MENTAL HEALTH AND TOWARD A COMPREHENSIVE COMMUNITY-BASED APPROACH. THE DISTRICT AND THE FEDERAL GOVERNMENT ARE MAKING PROGRESS IN SORTING OUT RESPONSIBILITIES FOR PATIENT CARE. WE ASK THIS SUB-COMMITTEE TO CAREFULLY CONSIDER THE DISTRICT'S MOST RECENT DESIGN FOR RESOLVING THE ST. ELIZABETHS HOSPITAL ISSUE. IN COMBINATION WITH OUR COMPREHENSIVE APPROACH TO MENTAL HEALTH PROGRAMMING IN THE NATION'S CAPITAL, WE BELIEVE THAT THIS RECENT PROPOSAL WHICH CALLS FOR COORDINATED EFFORTS OVER THE NEXT SIX YEARS SERVES BOTH THE FEDERAL AND LOCAL INTERESTS WELL.

FINALLY, I BELIEVE THAT FISCAL YEAR 1985 IS THE YEAR THAT WE MUST AGAIN ADDRESS AND RESOLVE THE UNFUNDED PENSION LIABILITIES OF THE POLICE & FIRE, TEACHERS AND JUDGES RETIREMENT FUND.

IN FISCAL YEAR 1985 THE DISTRICT'S CONTRIBUTION TO THE PENSION FUNDS WILL EXCEED THE COST OF PUTTING UNIFORMED POLICE OFFICERS ON THE STREET. IF THIS TREND CONTINUES, THE DISTRICT'S PENSION FUND CONTRIBUTION FOR "PAY-AS-YOU-GO" AND ACCRUED INTEREST IN THE YEAR 2005 IS PROJECTED TO EQUAL 181 PERCENT OF THE POLICE AND FIRE DEPARTMENT PAYROLLS. PUT SIMPLY, THE DISTRICT WILL BE PAYING MORE FOR RETIRED POLICE OFFICERS AND FIRE FIGHTERS THAN FOR THE ANNUAL COMBINED OPERATING COSTS OF THESE TWO AGENCIES WHICH IN FISCAL YEAR 1985 WILL TOTAL NEARLY $200.0 MILLION. INDEED, THE DISTRICT'S CONTRIBUTION TO THESE RETIREMENT PROGRAMS HAS GROWN BY 47 PERCENT FROM FISCAL YEAR 1981 TO FISCAL YEAR 1985. THE DISTRICT'S CONTRIBUTION IS INCREASING AT AN ALARMING RATE OF GROWTH. SHOULD THIS TREND CONTINUE THE DISTRICT WILL FIND THAT IN THE YEAR 2005 THE DISTRICT'S UNFUNDED PENSION LIABILITY FOR POLICE AND FIRE WILL APPROXIMATE $11.5 BILLION.

WE MUST RECOGNIZE THAT THE $52.0 MILLION 25 YEAR ANNUAL CONGRESSIONAL CONTRIBUTION BEGUN IN FISCAL YEAR 1980 IS INSUFFICIENT TO REDUCE THE UNFUNDED LIABILITY BECAUSE IT COVERS

ONLY 25 PERCENT OF THE UNFUNDED LIABILITY ACCRUED AT THE BEGINNING OF HOME RULE. PRIOR TO HOME-RULE, THE NELSON COMMISSION RECOMMENDED FULL FUNDING OF THE PENSION FUND LIABILITIES. HOME-RULE PROVIDES RESIDENTS OF THE DISTRICT OF COLUMBIA WITH LOCALLY ELECTED OFFICIALS TO GOVERN THEIR AFFAIRS AND TO RAISE THE REVENUE THAT IS ESSENTIAL TO OPERATE CITY SERVICES. YET THE GRANTING OF HOME-RULE WITH AN ENORMOUS UNFUNDED PENSION LIABILITY WOULD, IN THE PRIVATE SECTOR, BE LIKE DIVESTING A MAJOR OPERATING DIVISION OF A CORPORATION WITH NO WORKING CAPITAL AND LIABILITIES IN EXCESS OF ASSETS TO THE EXTENT THAT IT WOULD HAVE LITTLE LIKELIHOOD OF SURVIVAL. THIS HOME-RULE GOVERNMENT, DESPITE MANY INHERITED FINANCIAL PROBLEMS, HAS NOT ONLY SURVIVED BUT HAS ALSO IMPROVED THE QUALITY OF LIFE IN THE NATION'S CAPITAL. YET THIS HAS PROVEN TO BE EXCESSIVELY COSTLY FOR THE CITIZENS AND BUSINESSES WHO MUST PAY TODAY FOR PROBLEMS OF THE PAST. CONGRESS AND THE DISTRICT CAN AND MUST SQUARELY ADDRESS THIS ISSUE IN THE NEAR TERM FOR THE FUTURE BENEFIT OF THOSE WHO CHOOSE TO LIVE IN WORK IN THIS COMMUNITY.

THIS CONCLUDES MY PRESENTATION MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING MY TESTIMONY.

ST. ELIZABETHS ISSUE

Senator SPECTER. Where are we heading on St. Elizabeths Hospital, gentlemen? What problems do you see for the hospital's budget, and what are your recommendations as to solutions?

Mayor BARRY. Mr. Chairman, as you know, this has been a long-standing problem, since 1952, when President Eisenhower was in office. There have been studies and studies, and restudies of the studies, and restudies of the restudies. We have a $19.8 million gap between what the hospital says it needs from us and what we are supporting in the 1985 budget.

Congressman Fauntroy had a hearing last week on this matter. We are trying to come to some legislative solution; at least all the parties agree we need to find one this year. I get the impression that we are moving closer together than ever before. We are not quite there yet. The District's view is that we do not want the hospital, the 104 buildings and 336 acres, given to us.

We would rather operate our own system, and we can decide whether to use any of those buildings at St. Elizabeths. We would like to use our local hospitals for acute care, because that way they would be eligible for medicaid funding, as opposed to noneligibility now.

The planned program at this point is for the House District Committee to circulate a draft bill, in the next 10 to 14 days, for all of the parties to look at, and to attempt to come to a conclusion in August.

There have been some major breakthroughs, I think, in the sense that the Federal Government has agreed that it does have some responsibility for patients who were there before 1984.

The question is, how much, and at what level?

Senator SPECTER. Mr. Mayor, we will await that development. It is something that we will be working on with you as it develops.

FIRE STATIONS AND SHORTAGE OF SUPPLIES

We heard testimony from the Firefighters Association concerning the deterioration in the fire stations, and also that lifesaving drugs on ambulances are in short supply, and must be obtained from local hospitals.

I would appreciate your comments about their concerns, and what action, if any, would be appropriate by this subcommittee on any modifications in the proposals which you have already made as to the firefighters, and the fire department, generally?

Mayor BARRY. Mr. Chairman, let me say that I have consistently urged the Firefighters Union to bring these matters to our attention first. When I heard this yesterday, that they had raised this concern, I was shocked, in the sense that Bill Mould knows that he has an open door to my office. Gwendolyn Hemphill who is my able liaison, is in constant contact with them. I do not know all of the specifics, except that we have been committed to making sure that the basic items are there.

Senator SPECTER. Mr. Mayor, let me defer for any pursuit of that, to give you a chance to discuss it with them, and if you would then respond to the subcommittee, so that we could have your side on that one, it would be very helpful.

Mayor BARRY. Mr. Chairman, I saw Bill Mould a few minutes ago, and I will suggest that we discuss these matters. I wanted to give you the philosophy of this administration.

When problems are brought to our attention, either to the chief of the department, or other responsible people, we responded to them. It is sometimes impossible for any chief executive, or the fire chief to know any and everything that is going on in the department. We would hope that when these things are brought to our attention, we can work them out, if they are within our resources.

On the other hand, we are spending a great deal of money renovating our firehouses, and moving to correct any fire safety problem. You will find that if you compare our fire department with any other fire department in the country, our fire department is the most modern in terms of equipment, and the most modern in terms of living space for our firefighters.

All this is relative, but if we find any problems, we want to move expeditiously to solve them.

MERIT PAY FOR TEACHERS

Senator SPECTER. Mr. Mayor, last year this subcommittee took up the issue of possibility of merit pay for teachers, and a study has been concluded, and the concept of merit pay has been rejected by the teachers, and they have instead looked for other ways to encourage their performance.

Talking about nonmonetary incentives, such as career development, a master teacher program. I would be interested in your evaluation as to what are the best ways to provide incentives in the school system, and what is your thought as to the relative merits of the merit pay approach, contrasted with the recommendations for nonmonetary incentives?

Mayor BARRY. Mr. Chairman, as you know, I have been following this rather closely, and I have read summaries of the findings. I get the impression that the Superintendent's Task Force on Merit Pay, which issued its report in June, came to different kinds of conclusions than I would have expected them to come to, quite frankly.

Senator SPECTER. What conclusions would you have expected them to come to?

Mayor BARRY. Some parts of it I suspected, some parts I did not.

One is that part of the recommendation was that they would be happier, or they would feel better if they could get basic teaching supplies, materials, and other equipment in a timely way, in time for school to open.

Now, that one I did expect them to come out with. But they are more interested in senior master teachers' supervision of beginning teachers, as opposed to merit pay. They are interested in beginning teachers' salaries to be at a higher level than they are now, and they want more training as teachers.

The task force also recommended new teacher certification in their subject matter area, internships for new teachers, and a rigorous evaluation system. Those are areas that I felt that they would probably recommend. They also wanted, I guess, the intangibles, the promised practice awards, other things which say thank you, or one-time bonuses for those teachers who appear to be doing better than others. They wanted some way that they could disseminate and make transportable.

Senator SPECTER. They do want one-time bonuses for teachers who are doing better than others?

Mayor BARRY. That is what they say, yes.

Senator SPECTER. That comes pretty close to merit pay, does it not? That is even extra merit pay, a lump sum, as opposed to increments and salaries.

Mayor BARRY. I think what is interesting about this is the fact that the superintendent did appoint a cross section of administrators and teachers to this task force. They came to the conclusion that the merit pay in and of itself is fraught with dangers as to how you decide who gets it and who does not get it. I get the impression that there are some more basic things that they would rather have, such as higher beginning salaries for all teachers, as opposed to just merit pay for those teachers who are determined by someone to get it. This is an area that I have not spent a great deal of time on, except just to review the findings.

One reason I have not spent a great deal of time on it, is because the school system is separate and independent, as you very well know.

OTHER CONCERNS OF THE COMMITTEE

Senator SPECTER. Mr. Mayor, let me change subjects, on the last issue that I want to ask you about specifically, before yielding to Senator Leahy, who I know has some questions.

I am not going to take up with you today the question of the correctional system, or the parole issue. I have some concerns which I had called you about, and discussed with you briefly by telephone yesterday, and I do appreciate your availability for trying to set up an appointment for later this week.

I had written to you on the parole subject, which does very much concern me. We had some testimony yesterday from Judge Ugast, the presiding judge of the Superior Court's Criminal Division, on probation, and I was frankly very much concerned to hear that the court system has a problem, not as extensively as the Parole Board, but a serious problem, when they have a probation violator whom they take into custody on a second charge, that they are not acting promptly to make a determination as to whether probation should be revoked. Those are matters of enormous importance, we got into some testimony on PCP, and I have written to you on that parole issue, and that is a subject, I think, which requires all of our immediate attention. As to corrections, we will talk later, and we have had extensive discussions, and I want to cover the other matters, like firefighters and education, and I want to talk to you about housing, as the last issue that I will say I am going to discuss with you today, because of the time limitations.

BATES STREET PROJECT

I had subcommittee staff call your office yesterday to tell you that I would be discussing the Bates Street project with you, because there has been a lot of public focus on the Bates Street housing project, and the allegations of irregularities there, and the question as to what action the D.C. government could appropriately take on that subject.

The allegations are obviously very serious, and the question that I have is, as to Bates Street's project specifically, what action is the District taking, and on a broader range, institutionally, what do you think that the District can do by way of an inspector general, or by way of investigative forces, to make a preliminary determination on those questions, before they go, say, to the U.S. attorney?

Mayor BARRY. Mr. Chairman, the Bates Street project began March 16, 1977, under the previous administration. The award was given to Bates Street Associates in July 12, 1978, before I took office.

I tried to get Bates Street moving. I made it a high priority of my administration in 1979. We got sidetracked a little bit because of our financial difficulties and our budget problems. In summary, what we learned from Bates Street was that it was an overambitious project. We were trying to renovate some homes, and build new homes. In 4 years we were able to do almost 5,000 units of housing, and 163 properties on Bates Street.

This was the way the early process worked: It offers for sale to a developer *x* number of properties, and technically those properties are then the property of the developer. The developer holds title to those properties, and the developer is supposed to renovate and develop those homes at a predetermined price. What makes Bates Street complicated is that the developers also borrowed money from the Community Development Block Grant. In August 1979 they borrowed $2.7 million, which later increased to $3.1 million.

This money, this $3.1 million amounted to $35,000 per property for the 89 buildings originally sold to Bates Street Associates.

One of the things I think we learned, Mr. Chairman, in this process is that——

Senator SPECTER. Mr. Mayor, may I interrupt you a moment?

Senator Leahy has just advised me that he has just been told that he is due at the Intelligence Committee, and he has a couple of questions, so if I may, I would like to interrupt you at this point.

We will come back to Bates Street, but I will defer now to Senator Leahy.

DEBT SERVICE OF CONVENTION CENTER

Senator LEAHY. Mr. Chairman, I appreciate the courtesy, and I will be very quick on this.

One, the 1985 budget shows that the operating budget for the convention center is in balance. So, of course, I will applaud that, but the debt service on the facility is $10 million in 1985. So it would be safe to say that the facility is overall $10 million in the red.

Mayor BARRY. Mr. Leahy, it would be safe to say that the city government, out of its general fund, is paying $10 million of debt service for the money we borrowed to build the convention center, and that the revenues from the convention center——

Senator LEAHY. But your budget projects a debt service will cost $10 million per year, each year, through 1989.

Mayor BARRY. That is right.

Senator LEAHY. So to that extent it is $10 million in the red each of those years?

Mayor BARRY. Well, the convention center projections were never projected to be breaking even, or even making any money this early in its history. We knowingly are subsidizing it that way.

On the other hand, we estimate that at least $85 million of revenue from hotels and restaurants, and other visitor related activities that would not have happened if the center had not been there, goes into the general fund of the District of Columbia.

Senator LEAHY. Well, do you expect the convention center revenues will cover debt service costs in the foreseeable future?

Mayor BARRY. No; it is not projected to do so. We will continue to subsidize the debt service for the convention center from the general fund.

The revenues from the convention center will increase as it gets more visitors, and gets more exhibits. In the original analysis that we submitted to the Congress, and in support of borrowing for the convention center, we indicated that it would be quite some time before the convention center revenue would equal their expenditures.

Senator LEAHY. You may want to go back, or have your staff go back, and double check some of the testimony at the time that it went through. I think the projections were a wee bit more optimistic than what we are seeing now. They may well have been worked on by that famous budget projector at the White House named Rosie Scenario. I think Rosie may have testified back 3 or 4 years ago, in reality, may be testifying today.

HOTELS AROUND THE CONVENTION CENTER

One other question, in initial hearings, projections were made that a large number of hotels would be built near the convention center.

How many hotels—how many of the large number of hotels have broken ground in the immediate vicinity of the center?

Mayor BARRY. Senator Leahy, it is my best recollection, that we have one major hotel, the Marriott, at 14th and Pennsylvania, which is open, we have two——

Senator LEAHY. No; in the vicinity of the convention center. I went driving down around there to see for myself. I know of only two hotels, the Ramada Inn and the Henley Park Hotel, in the vicinity of the center. I was afraid I may have missed a large number of hotels, but I have not been down there for over a week, so——

Mayor BARRY. Mr. Leahy, again, my best recollection is that there are three hotels planned in the immediate vicinity, one at Mount Vernon, on our famous UDC site, one at the Woodie's North Building site, and one across the street from the center.

To my knowledge, there have not been any major hotels built in the immediate vicinity of the facility itself.

ADDRESSING PROBLEMS OF THE COURTS

Senator LEAHY. I will go down, walk the area again. I will leave one question to the effect that your request is $6 million below the court's request. I do this because I know that in my own experience with this committee, the chief judge, Theodore Newman, has always supported the Mayor's budget, and he was concerned that the full amount requested by the court's budget was not included. I will leave a question for the record, Mr. Chairman, but I am concerned with the huge backlogs, including average delay in the contested domestic relations case of 479 days.

I was just thinking of the enormous problem of just this one type of delay, and the enormous problems it causes the people involved in domestic cases. But I will be interested in a detailed response on the question of the projections on the convention center, and I may have a followup question of two, that for some reason a lot of the debate about that still kind of echoes periodically in my mind on warm summer evenings, when I have nothing else to do.

Thank you, Mr. Chairman.

Mayor BARRY. We will certainly look at the convention center projections. We will compare what we are saying now, and what we said when you were chairing the committee, when you had some reservations about the convention center. We will put those side by side, and see where the differences are.

But I will also look at the commitments made by the business community, as to their intentions to build and develop that area, as to what they have done, and what they have not done.

Senator LEAHY. I would like to see that, Mr. Mayor. As you recall, I put aside my concerns, gave the District the benefit of the doubt, and once having announced that I did that, I think it took all of 45 minutes for the matter to go through the Senate, and another 15 or 20 minutes to go through committee conference, after it had been held up for a number of years.

So I would hope that having put my own feelings aside, I would hope that now there would not be anything floating back there that would make me or anybody else regret that.

[CLERK'S NOTE.—Subsequent to the hearing the following letter was received:]

LETTER FROM MARION BARRY, JR.

September 17, 1984

Honorable Patrick J. Leahy
U.S. Senate
Senate Russell Office Building,
Room 433
Washington, D.C. 20510

Dear Senator Leahy:

During the hearings before the District subcommittee of the Senate Appropriations Committee on the District's fiscal year 1985 budget, you posed several questions about the extent to which the original projections of Convention Center financial operations and private development commitments have been met. As I agreed at the time, I am now forwarding the comparisons between the estimates and the actual results to date.

On June 5, 1978 when you were the chairman of the Senate subcommittee, Congress approved the initial appropriation of capital funds for the Convention Center. As you undoubtedly recall, these funds could not be obligated until certain conditions were met. These conditions included commitments of private sector development and a report to the Congress on how all of the conditions were to be met. The Washington Civic Center Report, submitted in September 1978, contains most of the original estimates.

Both the report and the legislative history are very clear as to how the center was to be financed, what costs the General Fund would cover, and what would be the net financial impact of the center on District finances. I believe that this letter shows that thus far the actual results, in terms of both private development and the center's financial operations and impact, have been close to the original forecasts. This concurrence of estimates and actuals is especially remarkable in view of the fact that neither the District or the private developers could have anticipated the double-digit inflation or the soaring interest rates and scarce financing during the period when the private and public construction occurred and the center began its operations.

This letter presents the five sets of comparisons between estimated and actual results that are relevant to the issues discussed at the hearing on our 1985 budget: the original private development commitments and actual development to date by project; the original estimate of 1985 spinoff tax revenue and the updated estimate based on development that has occurred; the estimated and actual center construction costs; the estimated and actual construction debt service; and the estimated and actual center annual income or losses.

In 1978 the District identified forty-five separate development projects and commitments that were related to the Convention Center. As indicated in Attachment A, of these projects, twenty-six have now been completed, two are under construction, eleven are in the active proposal stage, and six have not been developed at all. Over the last six years some of the intended land uses have changed. A couple of the properties that were to become hotels were developed as office buildings, and plans for office buildings have been realized as hotels. Right now the District is experiencing the biggest hotel construction boom in its history, and hotels not even on the original 1978 list are underway. Two examples are the 900-plus room hotel at Gallery Place and the 265-room Sheraton-Grand on New Jersey Avenue.

As discussed in the 1978 report and the legislative history and again in my recent testimony before the subcommittee, tax revenue from this new development was to have been sufficient to cover the annual debt service and operating loss associated with the Center, estimated in 1978 to be $7.1 million in 1985. At the time of the report it was expected that the new development projects would be generating $42.3 million in spinoff tax revenue in 1985. As shown by Attachment B, the 1985 spinoff tax revenue from just the completed projects on the original list is now estimated at $36.0 million. Referring to a much more narrowly defined economic impact area which was not used in 1978, the Convention Center Board now estimates that center activities will have generated $26.3 million in General Fund tax revenue in 1985 and $30.4 million by 1988. These estimates do not even include the new income tax revenue associated with the jobs newly created by the center.

Despite rapid price changes and some unanticipated additional relocation costs, the costs of constructing the Convention Center appear to be very close to the original estimates. Based on the 1983 audit and the most recent estimates of the few remaining settlements, total construction costs are estimated at $100,693,000 at September 30, 1984, only two percent higher than the original budget authority and construction estimates of $98,700,000, estimated over six years ago! A detailed comparison by construction phase is given in Attachment C.

In 1978 the annual debt service on thirty-year U.S. Treasury loans to finance the construction of the center was estimated at $6.6 million. Although the amounts borrowed have been about what we had anticipated, the interest rates have been much greater than originally estimated -- 12 to 14 percent, rather than 8.5 percent. As a result, the District will pay $10.0 million in debt service on Convention Center construction in 1985. Nevertheless, the spinoff revenue, however measured, will cover at least three times this General Fund cost.

In connection with this debt service, as I indicated at the budget hearing, it was intended from the outset that general tax revenue would finance the construction debt service and the center would not pay this cost out of its operating revenue. Indeed, that is why our annual, audited financial reports do not show this debt service as a Convention Center Fund cost, but place the cost in the General Fund. From the standpoint of financial reporting the center cannot be considered to be "in the red" because of this debt service cost. That there would be a substantial debt service cost was acknowledged from the beginning and was the reason for assuring that the tax revenue generated by new private development would more than offset this General Fund cost.

It was also acknowledged from the outset that the Convention Center would operate at a loss. The fundamental objective of the enterprise was to promote economic development--new jobs, new income--not to make a profit from exhibits and conventions. In addition, it was common knowledge at the time that similar operations were not making profits and were not expected to do so. However, just what it took to run an enterprise of this magnitude was not thoroughly appreciated six years ago, and the annual loss in center operations has become greater than the $1,000,000 estimate stated in the 1978 report to Congress. Excluding depreciation expense, an item omitted from the list of costs to be entered in the loss or profit calculation in D.C. Law 3-36, The Washington Convention Center Act Management Act of 1979, the 1983 loss from operations was $5,071,000. With a $6,109,000 net transfer into the Convention Center Fund financed by revenue from the General Fund from the hotel occupancy tax and half of the franchise surtaxes designed for this purpose, the 1983 income to the Convention Center Fund was $1,001,000. Attachment D shows how the 1978 estimates of center financial operations compare to actual and current estimates for 1983.

I hope that this letter and its attachments clarify just how well the Convention Center has met our original expectations thus far. As you know, economic development has been a major objective of my second administration. We believe that the center has already been an enormous success and has contributed importantly to meeting this objective. We are confident that the Convention Center will continue to be the showcase and the economic stimulus the District has needed for so long. If you have further questions, I will be pleased to provide the answers.

Sincerely yours,

Marion Barry, Jr.
Mayor

Attachment A
Status Report on Private Development Commitments Associated with the Convention Center

Original Project	Original Type of Development Planned	Current Status
1. Vega Investment Corp. 30th & M Sts., N.W.	hotel and restaurant	completed
2. Channel Inn Motel 650 Water St., N.W.	motel expansion	proposed
3. Brown, Gildenhorn & Jacobs 1430 R.I. Ave., N.W.	apartment/hotel	completed
4. BMR & S Partnership 1414,1426,1428,1430,1432 New Jersey Ave., N.W.	office bldg & retail	not developed
5. JBG Associates 14th & K Sts., N. W.	hotel	completed (office building)
6. Barnes, Morris, & Pardoe Vermont, between L St. & Thomas Circle	office building	completed
7. JBG Associates Georgetown Plaza 2800 Penn. Ave., N.W.	hotel	completed (Four Seasons Hotel)
8. Bush Development Corp. 4th & 5th, K & L Sts., N.W.	apartment	not developed
9. Morrison Corp. James Place	hotel & restaurant	not developed
10. Washington Hotel 415 N.J. Ave. (Quality Inn-Capitol Hill)	hotel expansion	not yet developed
11. Willard Hotel Site 15th St. & Pa. Ave., N.W.	hotel	under construction
12. Barnes,Morris, & Pardoe,Inc 7th betw Eye & K, N.W.	hotel	sites incorp. in proposed Techworld (950 room hotel)

13. Federal Finance & Realty Mass. Ave. betw 4th & 5th	hotel & parking spaces	proposed
14. Jerome Golub Realty 4th & New York	motel & parking spaces	not developed
15. Raymond C. Brophy, Inc. 5th & E Sts., N.W.	office bldgs.	completed
16. National Press Club Site Pa. Ave., betw 13th & 14th	hotel	completed (Nat'l Place-J.W.Marriott - 724 room hotel)
17. Conrad Cafritz 13th & K Sts	office building	completed
18. Federal Finance & Realty N. side of New York, betw. 9th & 10th, N.W.	hotel	proposed
19. Annapolis Towers H St. betw 11th & 12th	hotel	bldg sold to religious group for university
20. The Dolley Madison M St., betw 15th & 16th (North side)	hotel	completed
21. Richard S. Cohen 8th & 9th, H & Eye Sts.	hotel	proposed (assembly underway)
22. Jerome Golub Realty M St. betw 9th & 10th	townhouse units	proposed
23. Woodward & Lothrop North Store plus other area block of 10th, 11th, G & H Sts., N.W.	retail store & office space	propsed (with 900+ room hotel)
24. Donohoe Companies 500 C St., N.W.	hotel, office space, & retail space	completed
25. American Security Bank 7th & Mass. Ave., N.W.	office building	completed
26. Internat'l Developers, Inc. Vermont Ave. & Thomas Cir.. Southwest corner	office building	completed (Vista Internatl Hotel - 420 rooms)
27. Econo Car of Metro D.C. 12th & K Sts., N.W.		completed
28. George Washington Univ. H St. betw 13th & 14th Sts.	office bldg, retail & parking space	completed
29. Donohce Construction 2101 Wisconsin Ave., N.W.	hotel expansion	completed
30. John Akridge Company 15th & K Sts, (NW corner)	office bldg, retail & parking space	completed
31. Oliver Carr Co. Garfinkels' Square	hotel	first phase completed as office space

32. John B. Coleman & Co. 21st & Mass. Ave., N.W. Fairfax Hotel	hotel renovation & addition	renovation completed; addition under construction
33. 12th G Street Redevelopment Site	hotel	Hecht Co undr construction;400 room hotel proposed
34. H.G. Smithy Co.-2 projects 8th & K Sts., N.W. Mass. Ave. & 11th Sts., N.W.	office buildings	1st bldg incorp in proposed Techworld & 2nd completed
35. Sylvan C. Herman Vermont Ave., betw L St. & Thomas Circle	office buildings & parking spaces	completed
36. WMATA: 4 projects:	office & retail space	
14th & I Sts		completed
12th & F Sts		proposed
13th & I Sts		completed
7th & H Sts		proposed-Far East Trade Ctr-530 room hotel
37. John S. Samperton Assoc.	office building & parking spaces	completed
38. American Society of Assn. Executives	office building, retail and parking spaces	completed
39. Total Management, Inc. East Union Center Plaza	office building	proposed
40. SJG Properties 14th betw N. Y. Ave. & H	office building	completed & under construction
41. Blackies House of Beef	hotel, banquet space and parking spaces	completed

Attachment B
Comparison of Original and Revised Estimates of Spinoff Tax Revenue from Private Commitments Related to Convention Center Construction
1985 Dollars

Type of Tax	Original Estimate	Revised Estimate	Difference
Property taxes	$17,738,362	$16,016,974	$(1,721,388)
Sales taxes	21,198,063	11,692,488	(9,505,575)
Individual income tax	1,302,208	6,752,879	5,450,671
Franchise tax	1,434,468	914,872	(519,596)
Parking tax	600,225	602,349	3,124
Totals	$42,273,326	$35,980,562	$(6,292,764)

Attachment C
Comparison of Estimated and Actual Convention Center Construction Costs

Construction Phase	Original Estimate	Actual Costs*	Difierence
Preliminary Design	$ 600,000	$ 587,000	$ (13,000)
Site Acquisition	21,400,000	21,902,000	502,000
Construction Services	6,700,000	7,125,000	425,000
Construction	67,000,000	68,079,000	1,079,000
Equipment	3,000,000	3,000,000	---
Totals	$98,700,000	$100,693,000	$1,993,000

*Includes $1,285,000 in estimated construction and construction services costs for FY 1984.

Attachment D
Comparison of Estimated and Actual Allocated Taxes and Convention Center Operating Revenue and Expenditures
Fiscal Year 1983

	Original Estimates	Actual Results	Difference
Operating revenue	$ NA	$1,572,000	
Operating expenses without depreciation	NA	6,643,000	
Net operating costs without depreciation	$1,000,000	$5,071,000	$4,071,000
Revenue from allocated taxes	$7,600,000	$8,404,000	$ 804,000
Net position	$6,600,000	$3,333,000	$3,267,000

Note: Both accounting principles for enterprise funds and the District's application of these principles have changed significantly over the last six years, making comparisons of the Convention Centers estimated and actual financial results difficult. The above comparison attempts to apply the concepts developed in 1978 to current information.

EFFICIENCY OF THE COURT SYSTEM

Mayor Barry. Also, Mr. Leahy, in terms of the court system, obviously there can be differences of opinion. I have talked with the chief judge about this. There are ways that the court itself can become more efficient, and money is not the only answer to the efficiency of our court system. It has to do with juries and jury fees. Sometimes jurors are sitting around doing nothing. There are a whole range of items that I think we ought to look at together——

Senator Leahy. I agree with that.

Mayor Barry. Money is not the only answer to the court problems. It is like our school system, money is not the only answer to solving our school problems. It is a question of efficiency.

We have a serious informational problem, that is the court information system is incompatible with the bail agencies, the pretrial service agency, and the police department. I would hope that we would look at all of these factors together, to see if we cannot make the court reduce their time.

We have some information which suggests that the caseload has not increased in certain areas, but the length of time it takes to finish has increased. We want to know why it takes longer to take care of the same number of cases.

Senator LEAHY. You are talking to two Senators who shared the frustration of court delays, and we are also aware that a lot of improvements could be made in the court system. So I know I could speak for the both of us. It would be interesting to see.

Senator SPECTER. Thank you very much, Senator.

On the court subject, Mr. Mayor, the subcommittee would appreciate your reviewing Judge Newman's testimony, and also the testimony of the others who were in yesterday, and giving us your views on their attitudes.

DISBURSEMENT OF FUNDS FOR BATES STREET PROJECT

But back to Bates Street just a moment or two.

Mr. Mayor, are you in a position to advise the subcommittee on the allegation that as to Bates Street there were unauthorized disbursements of funds?

Mayor BARRY. Mr. Chairman, I am in no position to comment on the accuracy of that. Our view has been, as we developed Bates Street, we had checks and balances along the way. We had inspectors on the job. We had invoices submitted to us, indicating that *x* amount of work had been done. We paid the *y* amount of money.

My view has been that, from the very beginning, we tried to make sure that the taxpayers' money was spent properly regarding the Bates Street project.

I think what we are finding here in Bates Street is that the general problem was that the developers felt they could renovate those houses for less than whatever it cost them. It cost them almost $15,000 to $20,000 or more to do so.

Senator SPECTER. Are you satisfied then, Mr. Mayor, that the developers' costs were appropriate costs?

Mayor BARRY. Yes; as best we could determine, Mr. Chairman. If you go out to a house, and they say, well, we have finished 90 percent of the work, and it has cost us $40,000 to do it, obviously you cannot find out whether every piece of dry wall went to Bates Street, or whether every brick that was purchased on a purchase order went to Bates Street. I think that is probably an impossible task. The renovation costs on Bates Street were basically below the average renovation costs in other parts of the city, such as on Capitol Hill, in Adams Morgan, and in the Shaw area, where people were taking three, four, five bedrooms, and renovating them for *x* amount of dollars.

It did not seem at that time to be greatly out of line. In fact, it was below the average construction cost for a private citizen to get his or her house renovated.

If you look at the Bates Street project, you will find that the renovation costs probably averaged less than $60,000, which is well below what it actually costs for most renovations.

Senator SPECTER. Mayor——

Mayor BARRY. Any wrongdoing, Mr. Chairman, it seems to me, that the Inspector General of the District of Columbia has the authority to investigate the management, the procedures, and has authority to subpoena records, if there are any records around. Those subpoenas have to be enforced by the superior court, as you very well know. It is the U.S. attorney, in my view, who ought to prosecute any potential criminal wrongdoing.

It is my responsibility to try to correct, and get at any management problems, or any contractual problems, that the developer did not keep.

Senator SPECTER. How about the issue, Mayor Barry, as to some $4 million having been lent by the District for the project, and an obligation by the developers to repay the District?

Mayor BARRY. Mr. Chairman, in order for us to save the 37 section 8 homes, because the Federal Government had indicated to us that they have clear title to those 37 homes, the District became a second and a third lien holder on those 37 houses. We transferred that debt to Parkside. Parkside, which is in Northeast Washington, has been assessed at a value of over $5 million, just for the land itself.

We went after this land, and we went after our money from the developers. The bankruptcy court stopped us from proceeding to foreclose on the Parkside property.

It is our view that once we finish the court problems, that we can sell that land at a price greater than what the developers owe us, and the taxpayers' money will be recovered.

Senator SPECTER. So you think the funds will be recovered along that line?

Mayor BARRY. We have a $4 million lien on Parkside. We are confident that it could be sold for more than $4 million.

DISTRICT'S CAPACITY FOR INVESTIGATING WRONGDOINGS

Senator SPECTER. Mr. Mayor, institutionally, when there are charges of a wrongdoing, involving city matters, the question arises in my mind as to whether it ought to be left exclusively to the U.S. attorney, and I come back to the experience which I have had in similar lines, and as you pointed out earlier, I do have a keen interest in the District of Columbia, big cities in this country, and the District of Columbia means a lot to the Congress, because we live here, and it means a lot to the Congress because it is a model for the rest of the country, and it is representative of many big cities in this country.

And I bring to bear the experience that I have had in another big city, Philadelphia, when there were problems with the Philadelphia Housing Authority, and with the redevelopment authority there.

Before matters would come to me as the district attorney, the mayor had internal investigations done, actually as an adjunct to the police department. They had their own fraud squad, where they would make investigations, and would take preliminary action, and sometimes would make recommendations for criminal prosecutions.

Now, I know you have a lot of matters, but I would commend to you a look at what is done, not necessarily in Philadelphia, but other places, because these are difficult matters, and there is quite a different line of independence in the District of Columbia, between the Mayor's operation and the U.S. attorney's operation.

It is a matter really of home rule, and I would encourage you to try to have some mechanism where you could run those investigations out of the District auspices, and come to some of those answers as a preliminary matter, and if you have that kind of teeth in your own operation, I think you keep the developers and the people you do business with more on their toes, if there is that prosecutorial response, which could come from the District. Just a suggestion.

Mayor BARRY. Mr. Chairman, let me indicate that when I came into office, I did establish the Office of Inspector General as a separate office. We would like to look at other cities and counties and States.

The inspector general has investigated a number of matters and has turned over their findings, if it looks like there is potential criminality, to the U.S. attorney. In the Bates Street case the inspector general had looked at it, the FBI looked at it, and everybody concluded that to the best of their ability they had found as much as they could find. It was only after the Washington Post articles that there was any renewed interest in trying to find out more.

To give another example, we had a situation involving the director of our Commission on Arts, where there has been some improper use of funds. It was brought to my attention by the inspector general. The corporation counsel looked at it, gave me an internal report, turned that report over to the U.S. Attorney's Office, and that was a basis of an agreed upon plea between Ms. Bautista and the U.S. Attorney's Office.

Senator SPECTER. Well, that sounds like——

Mayor BARRY. Those are the kinds of things we are doing.

I think the Bates Street situation, from my point of view, is certainly something we ought to raise questions about, but in the whole scheme of things, there are those checks and balances, but not enough. We are a young government, trying to develop. I would like to look at other places, and see how they do it. Our inspector general has been on the job now going into her sixth year. We are committed to rooting out any wrongdoing from a management point of view, or from a potential criminality point of view.

We do not want anybody taking advantage of taxpayers' dollars. Not one penny of it.

Senator SPECTER. Thank you very much, Mr. Mayor.

I am going to have to adjourn now.

The public hearings, of course, are very important, as we explore the issues of education and housing and medical care and fire care, but you and I have ongoing contacts where we have had discussions on a continuing basis, which we shall pursue on a number of these subjects.

Chairman Clarke, we very much appreciate your being here. Is there anything that you would care to add on any of the subjects we have discussed, or anything else?

CHADHA PROBLEMS

Mr. **Clarke.** Yes, sir, on one item.

You mentioned, very briefly, concern with PCP within the correctional system.

Yesterday the Council passed emergency legislation changing our Uniform Controlled Substances Act to reflect a higher penalty structure for the distribution of PCP in the District. But there is a concern about that that I feel I must enunciate at this time, given your encouragement of the Council and the U.S. attorney's encouragement of the Council to pass legislation changing the corroboration requirements with respect to juveniles' testimony.

The Council, in my opinion, is willing to pass that kind of legislation. If we do, we must consider the fact of what will happen to the criminal justice system, given the question pertaining to CHADHA that is pending before the Senate of the United States now.

The U.S. attorney, in addition to coming to us to ask us to pass this kind of legislation, is before the courts saying that we do not have the power to pass this kind of legislation. To pass this kind of legislation in that climate, with the question as to whether it is valid or not, and then to have it applied, and then to have a judicial finding that we did not have the authority in the first place, may endanger the very prosecutions we are trying to assist.

So I would urge the Senate of the United States to proceed expeditiously to clarify this CHADHA question, because the Council does want to pass this kind of legislation, if, under this cloud, we may be endangering the cases that we want to help.

Senator **Specter.** Well, Chairman Clarke, I thank you for those comments.

The CHADHA decision casts large clouds over not only the subjects you have discussed, but on so much of governmental operations today, and I concur that there is some action necessary by the Congress on this subject.

I would encourage you to proceed on the corroboration rule so that the District of Columbia will permit testimony by a child to be sufficient when viewed by a fact finder.

Mr. **Clarke.** Well, the problem that I foresee, Senator, is if, once we pass that, the U.S. attorney, or others, claim that we did not have the power to pass a case where the corroboration requirement was not applied, we may have endangered that prosecution even though there may have been corroboration in that case.

We are not only dealing with the question of turf, in the sense of who has the responsibility to pass these laws, we are also dealing with the integrity of each case to which they apply, and this issue of CHADHA has to get resolved if we are going to be able to deal legislatively with crime in the city.

Senator SPECTER. I understand that.

I think on balance, it is better to pass the act, than run those risks, and not to pass the act, and have the other risks. It is never an easy choice.

But, thank you very much, Chairman Clarke, and thank you, Mr. Mayor.

APPRECIATION EXPRESSED BY MAYOR

Mayor BARRY. Mr. Chairman, just for the record, I want to say that I appreciate the way we operate in this subcommittee, with informal and formal discussions. I think it ought to be a model for the future in terms of chairs of this committee and other committees.

I just want to express my personal——

Senator SPECTER. Well, thank you.

Mayor BARRY. And public appreciation.

I will be in Philadelphia this weekend for the Conference of Mayors.

SUBCOMMITTEE RECESS

Senator SPECTER. It sounds like a wonderful weekend. Thank you.

The hearing is adjourned.

[Whereupon, at 11:15 a.m., Wednesday, June 13, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, June 20.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, JUNE 20, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:03 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

CONGRESSIONAL WITNESSES

STATEMENTS OF:

HON. CHARLES GRASSLEY, U.S. SENATOR FROM IOWA
HON. DANIEL MOYNIHAN, U.S. SENATOR FROM NEW YORK

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Good morning, ladies and gentlemen. We will begin this hearing of the District of Columbia Subcommittee of the Appropriations Committee. We have on tap this morning hearings on the Board of Education of the District of Columbia, and as a related matter we will be hearing some witnesses on the problem of truancy as it relates to the responsibilities of the Board of Education and a number of related issues.

We have had a request from two of my distinguished colleagues in the Senate to testify this morning about the consideration of renaming a street in the District of Columbia, and in order of receipt of request, we have both Senator Grassley and Senator Moynihan. We will ask them both to step forward.

As I say, in priority—first in time, first in right—we will hear from the distinguished Senator from Iowa, Senator Grassley.

PREPARED STATEMENT

Senator Grassley, we have received your statement and it will be made a part of the record in full, and we are honored to have such distinguished witnesses before this subcommittee this morning.

[The statement follows:]

STATEMENT OF SENATOR GRASSLEY

Newspapers around the world have directed a pointed question to the leaders of the Soviet Union - "Where are the Sakharovs?"

That is a very good question.

The Soviet government has assured the world that Nobel Peace laureate, Andrei Sakharov and his wife, Yelena Bonner, are alive and well. The Soviets have not, however, permitted any independent confirmation of that claim, leading one newspaper to conclude, quite correctly, that, "The longer the Soviet government drags out the process, the more it encourages the suspicion that it is not merely playing with the Sakharovs and their well-wishers, but concealing a dark deed."

Last month I addressed a meeting of the International Parliamentary Group for Human Rights in the Soviet Union (IPG) where Sakharov's plight was discussed. At that time a French parliamentarian suggested a step we could take to dramatize our concern for the Sakharovs and, by implication, for many other victims of Soviet repression. His idea was to rename every street on which Soviets have a diplomatic facility in honor of Andrei Sakharov.

IPG members, an organization which currently consists of over 400 parliamentarians in 12 countries and I might add which includes all the D.C. Subcommittee members, have taken this proposal and are pursuing it in their own countries.

Senator Metzenbaum and I believe that a gesture of this kind is precisely what is needed to demonstrate to the Soviets that we will not forget the Sakharovs. We have, therefore, introduced S. 2743 and S.Con.Res 118, legislation that calls for renaming the streets in Washington and other cities where Soviet facilities are located "Andrei Sakharov Avenue."

We are particularly concerned here today with S. 2743 which just relates to the District of Columbia. The effect of this legislation would be to rename the length of 16th Street between L. and M. Streets--Andrei Sakharov Avenue.

Questions may be raised as to whether Congress possesses the authority to officially rename streets within the District of Columbia.

The United States Constitution empowers Congress "to excercise exclusive legislation" over the District of Columbia. U.S. Constitution art. 1, § 8, cl.17. Congress' clause 17 authority is most often described as being as broad and complete as that of a State legislature with respect to its territory. e.g., Capital Traction Company v. Hof, 174 U.S. 1, 5(1899). Also like a State legislature, clause 17 authority--the authority to name streets clearly being included--is fully delegable to a locally based government. District of Columbia v. Thompson Co., 346 U.S. 100 (1953). At least some authority to name streets historically has been delegated to a local District government, and the Home Rule Act contains authority for street naming by the District of Columbia Council. District of Columbia Self Government and Governmental Reorganization Act of 1973, as amended, § 303, 87 Stat. 774 (Home Rule Act); see also, e.g., Act of March 2, 1983, 27 Stat. 534.

The Council has enacted legislation regarding the naming of streets pursuant to its Home Rule powers. Act of March 10, 1983, D.C. Law 4-201, D.C. Code §§ 7-451 et seq. The substance of S. 2743 clearly conflicts with the terms of the District act:

> S 7-445. Use of living persons' names prohibited; use of deceased persons' names restricted.
>
> No public space in the District shall be named in honor of any living person, or in honor of any person who has been deceased less than 2 years, unless the deceased person was a President or Vice President or the United States, a United States Senator or Representative, a Mayor of the District of Columbia, or a member of the Council of the District of Columbia. (Mar. 10, 1983, D.C. Law 4-201, § 405, 30 DCR 148.)

Nevertheless, the same cases that uphold the broad delegation of clause 17 powers also indicate that delegations of authority to the District necessarily may be revoked or superseded. District of Columbia v. Thompson Co., 346 U.S. 100 (1953).

Clearly, Congress retained in the Home Rule Act sufficient authority to act even on strictly local matters as it sees fit, contrary local law notwithstanding:

> Retention of Constitutional Authority
>
> Section 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

Home Rule Act, § 601 (emphasis added).

S. 2743 conforms to the spirit as well as to the letter of Home Rule law: namely, that local matters be decided at the local level, but that matters implicating national interests and powers be determined by Congress. Congressional power over the District is dual in nature. On the one hand, Congress exercises national legislative powers over the District just as it does over the rest of the United States. At the same time, Congress has, by virtue of clause 17 plenary power, the ability to exercise local legislative powers within the District. See, e.g., Neild v. District of Columbia, 110 F.2d 246 (D.C. Cir. 1940). When Congress delegated authority to the D.C. Council in the Home Rule Act, that delegation was not unconditional. See S.

Rep. 219, 93d Cong., 1st Sess. 4 (1973). No attributes of national powers were, or could be, delegated under clause 17. Stoutenburgh v. Hennick, 129 U.S. 141 (1889); Home Rule Act § 602 (a)(3).

Even though the naming of city streets generally may be a municipal matter, the naming of a prominent street in the Nation's Capital is of national significance. Here, the renaming of a portion of 16th Street not only would be a symbolic expression of national human rights ideals, but it also may be viewed as an exercise of the exclusive federal power to conduct foreign affairs.

Though the House of Representatives added report language to the D.C. Appropriations bill which calls for similar action of renaming 16th Street, I believe that in light of § 7-455 of the D.C. Code federal legislation must be passed if we are to accomplish our purpose. If S. 2743 were signed into law it would then superceed any conflicting D.C. law.

Yesterday Alexi Semyonov, Sakharov's stepson, announced that his parents' hunger strike began some 50 days ago. He indicated that the recently released photos of Dr. Sakharov are no proof that he is alive and that if he is living, Sakharov most likely is being force fed.

Dr. Bonner is going blind, and she is in heart failure. Outside communicaton has been refused to verify the Soviets claim that these courageous people are alive and well.

The Soviets must be made to understand and appreciate the West's concern over how the Soviet government treats its citizens.

By passing S. 2743, with each day's mail, Soviet officials will be confronted with the power of lives committed to principle.

The Sakharov's plight is a constant reminder of the fragile nature of freedom and of the ease with which a state can enslave its citizens.

We have not forgotten these noble souls and by including this proposal in the D.C. Appropriations bill next week, we will succeed in affirming the value of their lives and our commitment to their freedom.

STATEMENT OF SENATOR GRASSLEY REGARDING ANDREI SAKHAROV AVENUE

Senator Grassley. Mr. Chairman, let me say thank you not only to you personally, but also to your staff, because you did honor our request to testify. It was a late request and you did come through very cooperatively and we want to recognize that.

Also, I would say as I listen to the morning news, I hear your name more on the radio than any other Senator. I am always reminded every day that you are chairman of this subcommittee.

Senator SPECTER. I would entertain a trade, with draft rights thrown in or out, as you choose, for one of your subcommittee chairmanships.

Senator GRASSLEY. I am here to talk about Sakharov.

Senator SPECTER. All right.

Senator GRASSLEY. I am going to tell you that my written testimony, as you have already said, will be included in the record. I thank you for that. I want to say that my testimony would give the usual rationale that has been considered by various Senators as to a justification for doing this—the consideration that the world ought to give to the plight of the Sakharovs; the question that we have in our mind of whether or not they are still alive; the lack of independent judgment as to their health, which the world has asked the Soviet Government to honor, which they have not; and all the questions still up in the air.

I come to you with a strong feeling that this is still a life-or-death situation, and I guess I would also—which I could not do through my testimony, which was prepared yesterday—suggest a rebuttal to the Washington Post editorial of the day which would say, well, there is still much that ought to be done, but this is going just a little bit too far.

I guess I would respond to that that since we still do not know what their situation is, is anything going too far to save a life? The Washington Post has editorialized for several weeks now, and I have agreed with their editorials, on questioning the Soviets about the situation, hoping through the power of the press to get an answer to this situation.

I think there comes a time when no opportunity should be left unturned to accomplish our goal. But in addition to that, I think that naming a street after the Sakharovs is something that we can have forever as a reminder of the plight of people in the Soviet Union.

As I understand the Soviet Government, they are always cognizant of world opinion; maybe never responding to world opinion, but cognizant of it, so that we think that it has an impact on some of their policies. And this is one way of using world opinion and reminding the world in several capitals, like Washington, D.C. where there are Soviet facilities, that if other countries would follow our examples—and we are asking you as chairman of this subcommittee to be the real initiator of what we hope is a trend in other countries to have a reminder of what the situation is, and that is the right thing to do.

But I guess in my mind and in my heart, I do not think that we are doing anything more here in reminding the world of the plight of the Sakharovs through the naming of this street. We are not doing anything very unusual when we are asking the Soviet Union to stick by some of the international agreements that they have signed and their own constitution; the constitution allows freedom of religion.

Various instruments that they have signed, primarily the Helsinki accord, allows family reunification, allows people to leave for religious reasons; it allows freedom of religion. Most important, it allows freedom of communication to receive, outside of any country, communications to the people within that country. That agreement is being violated.

Maybe naming a street after the Sakharovs, in the abstract and in this day when their situation is so serious, may be a fleeting way of doing something. But if you think in terms of our pleading with the Soviets to follow their own policy decisions, as they have been signators to various international agreements, and as we are a nation of rule of law and as they pretend to be a nation of rule of law, then I think in that bigger context the plight of the Sakharovs and going this route of reminding world opinion of what the situation is, I do not think is anything extraordinary in light of their rhetoric.

So it is in that vein as well as my testimony—and that latter point is not in my testimony—that I come to you to plead with you that you do this, and there is plenty of constitutional authority for your doing it. I think it is going to go a long way toward reminding the world that we believe in the rule of law and that we ask for the sake of all Sakharovs around the world that the rule of law be followed.

That is my testimony.

BACKLASH OF NAMING STREET AFTER SAKHAROV

Senator SPECTER. Thank you very much, Senator Grassley. So far as I am concerned, personally, I have an open mind on this question. I am prepared to listen and to consider it.

This subcommittee does very much appreciate your views and your concern about this matter, as illustrated by the very thoughtful statement which you have prepared in advance and your coming here this morning.

Permit me to raise two questions with you which are on my mind in the consideration of this matter: First, the issue as to the effectiveness, productiveness, or perhaps counterproductiveness of naming 16th Street Sakharov Avenue in the context of my own concern about the horrendous Soviet response on the inquiries about Mr. Sakharov, which I agree with you about totally, and whether their response here reflects the hostility and animosity which exists between the United States and the Soviet Union.

I quite agree with you that the fault is on their side, but the question in my mind is whether the answer to the issue on finding out about Mr. Sakharov and many other related problems, as the Soviets disregard human rights, may not really turn on a better underlying relationship between our two nations, and whether renaming the street and creating a situation where every time the Soviet Embassy is addressed, if they want to get their mail and they have to put "Sakharov Avenue" on their mail—if it is not more in the nature of a taunt and something that might be counterproductive in the long run.

I would be interested in your thinking on that issue.

Senator GRASSLEY. I wish I could answer your question for sure, except I can say with certainty that I do not look at it as a taunt. I suppose it could be that they would, and I suppose that that is a point of view that has some scholarly support. I have to consider that myself, and we have considered it.

In so much public policy there is a tradeoff, and I guess I have traded off that there is more good to be accomplished by what I am proposing than any fear of negative. So I have moved forward based on that.

But I cannot give you any more than a speculative answer from this standpoint: The Soviet Union is undergoing dramatic political change, I would guess, because of three leaders in the last 3 years. We do not really know where they are coming from.

There is not a settled view in the free world of exactly what the political situation is within the Politburo and how certain Chernenko's leadership is, and who do you look to for really reading what is going on in the Soviet Union.

So, within that inability to predict—and even when you could predict with more certainty what their policy was, there was still a disagreement in the Western world as to what the correct approach was.

So my theory and my personal reaction, and even the reaction I would urge our Government to do, is in regard to the Soviet Union you keep several balls in the air at one time.

I would not find fault with anybody who thinks quiet diplomacy is the way to accomplish this goal and to save the lives of the Sakharovs, and I hope that is going on. But I guess I feel that we should leave no stone unturned, and from that standpoint I propose this, even though it is a little more confrontational.

Senator SPECTER. Senator Grassley, I know full well that you do not regard it as a taunt because I know the very serious work you have done in the Senate.

In reading the current issue of Time magazine and analyzing the approach of Foreign Minister Gromyko, there are major concerns everywhere about trying to understand the Soviet mentality.

Last night we debated the issue of a summit meeting between President Reagan and the head of the Soviet Union, and it is a matter of concern to me as to how we approach the Soviets, how we try to understand Mr. Gromyko as he has considered comments from our national leaders, and trying to make some sense of the relationship and trying to bridge the gaps. That is the question which is on my mind, and I am interested in the response which you have made.

Senator GRASSLEY. I do not think I can add anything to it except that, you know, we have just got to be trying so many different avenues, whether it is being at the very high level of our National Security Council, the State Department and the President, or whether it be at our level of the private citizenry of the United States who are concerned about Sakharov, or even a U.S. Senator who has strong feelings on it, like myself, but also trying to represent the views of constituents.

LETTER FROM COUNCILMEMBER CLARKE

Senator SPECTER. The other concern, from the lofty nature of international affairs between the two superpowers, gets down to the issue of local self-determination. I have received a copy of a letter from the Honorable David A. Clarke, Chairman of the Council of the District of Columbia, which will be made a part of the record, without objection.

[The letter follows:]

LETTER FROM DAVID A. CLARKE, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 20, 1984.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on the District of Columbia, Senate Appropriations Committee, Washington, D.C.

DEAR SENATOR SPECTER: It has recently come to my attention, from the report of the House Subcommittee, that there is a possibility that the 1985 D.C. Appropriation Act will contain language promoting the naming of some portion of 16th Street NW., Washington, D.C., after the Russian physicist, Andrei Sakharov.

I write to give you some background about the District government's efforts in naming streets for distinguished persons and to indicate my own desire that any legislative initiatives on this topic proceed circumspectly.

The local government has had street-naming authority for 40 years, since the Congress granted such powers to the appointed commissioners pursuant to the act of December 20, 1944. This authority was delegated to the appointed D.C. Council in Reorganization Plan No. 3 of 1967; and then, with the coming of home rule to the District in 1973, street-naming was carried out by the Council of the District of Columbia. See D.C. Code 1-244(f) (1973 ed.); 1-227(a) (1981 ed.).

I am advised that, during Congress' consideration of the Home Rule Act, there were fears expressed that the elected government would be too liberal in the exercise of this power. However, the elected council has moved circumspectly.

From 1944 to 1977 the only limitation on the District government's street-naming powers was the requirement that the thoroughfare be under the jurisdiction of Commissioner (or later the Mayor). In 1977, the council, in section 2 of the Naming of Public Places Act of 1976 (D.C. Law 1-109) further required that the naming of public places (including streets) only be in honor of a person who was deceased for at least 2 years. Section 2 of D.C. Law 1-109 was repealed and substantially reenacted by the Council as part of its adoption of the comprehensive Street and Alley Closing and Acquisition Procedures Act of 1982 (D.C. Law 4-201). See D.C. Code 7-455 (1981 ed.). The legislative histories of D.C. Laws 1-109 and 4-201 are regretfully sparse. However, Council staff who participated in the legislative process in 1976 indicate that the volume of requests to the Council to name public places after living persons and the need to apply the test of time to the greatness of a person were the main reasons for the "2-year deceased" requirement.

As far back as I can recollect (I was first elected to the Council in 1974), the Council has exercised its street-naming powers conservatively, and it has not named any public place for a person who has not been dead for 2 years. Indeed this limitation has occasionally been a very difficult rule to honor, such as in the most recent past when a great local community leader, Mr. Theodore Hagans, died suddenly and I had to turn down a request to immediately introduce a bill to name a public place after him.

We have had congressional recommendations in this regard which we have tried to honor. I recently honored Senator Hollings' request to introduce bill 5-437 to designate a span of the 14th Street Bridge for Arland D. Williams, Jr., who gave his life in the District of Columbia over 2 years ago to save passengers on Air Florida Flight No. 97.

Mr. Sakharov is certainly a person to whom honors are due, but hopefully he is a person who is still alive. He certainly has not been dead for 2 years. While not wanting to in any way diminish his contributions to the struggle for human rights, I respectfully urge that the discipline which the elected local government has established in this regard, a discipline born to some extent of the concerns expressed during congressional consideration of the Home Rule Act, be respected.

The council does not take congressional recommendations lightly, but we must also be concerned to treat our own citizens' requests equitably. It would be extremely hard to continue to say no to our citizens if we had to say yes to others.

I hope that we will not face that situation.

Sincerely,

DAVID A. CLARKE, *Chairman.*

INFRINGING ON RIGHTS OF LOCAL SELF-GOVERNMENT

Senator SPECTER. I would ask for your comment. What Chairman Clarke does is raise the issue of local rule. What would your concern be about a determination by Congress because the Congress can certainly enact laws far and wide, far beyond the naming of any street, if we choose to do so?

How do you view the concerns of those in the District of Columbia who think this is a matter for local self-determination?

Senator GRASSLEY. I do not disagree with them, and I suppose I am treading on them to some extent. But I have left myself very flexible on this because I have used three approaches. I have written to the Mayor, asking the city council to do what I am suggesting that this committee today.

I am asking this committee to do this through our legislation so that we can do it constitutionally by an act of Congress; third, through an approach that Congressman Levitas suggested, that we would do it just as far as documents that come from the Federal Government. We can so signify that street as Sakharov Avenue in our documents without actually going to the point of changing the street signs ourselves.

I would suggest, though, that I would like to have a very dramatic thing done, and I think the Congress doing it would send a signal of foreign policy that is more important than the city council can send.

But I suppose if I thought that they would do it, you know, I would rather have the city council do it because I am asking the city councils of San Francisco and New York City to do it with the consulates there. Obviously, we cannot legislate for those two cities as we can for Washington, D.C.

Senator SPECTER. Well, thank you very much, Senator Grassley, for your very thoughtful comments.

We will turn now to the distinguished senior Senator from the great State of New York, Senator Moynihan. We do not often in this subcommittee have such illustrious personages appearing to testify, and we welcome you and look forward to your views.

STATEMENT OF SENATOR MOYNIHAN

Senator MOYNIHAN. Mr. Chairman, you are very generous to let me come in on your regular schedule, unannounced. I will be very brief and acknowledge, first of all, that I am here in response to this morning's editorial in the Washington Post, which brought to mind an event that might be of interest to this subcommittee.

PREPARED STATEMENT

I have a brief written statement which I simply dictated, and I will ask that it be put in the record and I will summarize it.

Senator SPECTER. Without objection, so ordered.

[The statement follows:]

STATEMENT OF SENATOR MOYNIHAN

Mr. Chairman, from 1973 to 1975 I served as U.S. Ambassador to India. As with any diplomatic assignment, there were difficulties and frustrations: all part of a day's work. However, one incident was a source of continued resentment in our mission. The American consulate in Calcutta, which dates from the 18th Century, is located on a small street in downtown Calcutta. Shortly before my arrival, the City Council of Calcutta renamed that street "Ho Chi Minh Street." This was intended as an insult to the United States, and was. It is not a matter the Government of India could be held responsible for and yet an unreasoning element in all of us felt that the Government of India could have prevented it, or overturned it. Thus relations in Delhi were needlessly exacerbated. A small shadow fell between the relations of our two great countries.

There is no direct comparison, of course, in the proposal before you. Even so, I would respectfully suggest it is a futile gesture to rename a portion of 16th Street in a manner such as to rebuke the Soviet Government and so create over the years problems for our own Government. It is beneath the dignity of this great republic. Andrei Sakharov needs no such memorial.

SENATOR MOYNIHAN'S OPPOSITION TO SAKHAROV AVENUE

Senator MOYNIHAN. First, I would just say that it is altogether understandable that our friend and colleague, Senator Grassley, should be concerned about the situation of Andrei Sakharov. I first came upon it in 1975.

The Hebrew University had a convocation on July 4, 1976, in honor of the 200th anniversary of the American Declaration of Independence. I gave the address on the occasion, and Dr. Sakharov was to have received an honorary degree with some others of us, and was not able to come, was not allowed to come, having accepted, having thought he might come. It was just in the aftermath of the Helsinki accords; it was almost the first testing of those accords.

When he was not allowed to come, the future became very clear. I devoted the better part of my remarks on the occasion to the fact of his not being there, and have been involved with that issue since and have helped bring his stepdaughter to the United States, and know them and keep in touch with them, which is beside the point.

My purpose is simply to say that from 1973 to 1975, I served as the U.S. Ambassador to India. As with any diplomatic assignment, there were difficulties and frustrations; they were all part of a day's work.

However, one incident was a source of continued resentment in our mission. The American consulate in Calcutta, which dates from the 18th century, is located on a small street in downtown Calcutta.

Shortly before my arrival, the city council of Calcutta renamed that street Ho Chi Minh Street. This was intended as an insult to the United States, and it was. It is not a matter the Government of India could be held responsible for, and yet an unreasoning element in all of us felt that the Government of India could have prevented it or overturned it.

Thus, relations in Delhi were needlessly exacerbated. A shadow fell between the relations of our two great countries. Now, there is no direct comparison, of course, in the proposal before you. Even so, I would respectfully suggest that it is a futile gesture to rename a portion of 16th Street in a manner such as to rebuke the Soviet Government, and so create over the years problems for our own Government.

I suppose the embassy is moving to Mt. Alto, so you will be moving your street signs, if it comes to that. I suggest it is beneath the dignity of this republic, and that Andrei Sakharov needs no such memorial.

Senator SPECTER. That is very interesting, Senator Moynihan, about Ho Chi Minh Street. I think that is a very relevant analogy. One might wonder if the designation of 1600 Pennsylvania Avenue, a very noteworthy designation in the history of our country, might be changed to "Pennsylvania and Sakharov" to designate the residence of the White House.

Senator MOYNIHAN. Well, yes. There is a whiff of the totalitarian in the urge to rename streets for specifically political reasons of the moment, and then change them, of course, as the fortunes of heroes rise and fall in those societies.

I would simply suggest that it is not something that Sakharov requires. His position in the world is secure, and we are not sure that we improve it by such gestures. If this is all we can do, we cannot do much, can we?

Senator SPECTER. We very much appreciate your coming, Senator Moynihan. Thank you very much for your own insights and your experiences which bear on this question.

Senator MOYNIHAN. Thank you.

DISTRICT OF COLUMBIA

BOARD OF EDUCATION

STATEMENTS OF:

DAVID H. EATON, PRESIDENT, DISTRICT OF COLUMBIA BOARD OF EDUCATION

FLORETTA DUKES McKENZIE, SUPERINTENDENT, DISTRICT OF COLUMBIA PUBLIC SCHOOLS

ACCOMPANIED BY:

R. DAVID HALL, CHAIRMAN, FINANCE COMMITTEE, DISTRICT OF COLUMBIA BOARD OF EDUCATION

WANDA WASHBURN, MEMBER, DISTRICT OF COLUMBIA BOARD OF EDUCATION

EUGENE KINLOW, MEMBER, DISTRICT OF COLUMBIA BOARD OF EDUCATION

ROBERT BOYD, MEMBER, DISTRICT OF COLUMBIA BOARD OF EDUCATION

INTRODUCTION OF WITNESSES

Senator SPECTER. We will now proceed to hear from the District of Columbia Board of Education. I would like to call at this time the Reverend David Eaton, president of the District of Columbia Board of Education. If you would step forward, Mr. President, I look forward to your testimony.

And for purposes of expedition, I would ask the superintendent of schools, Mrs. Floretta McKenzie, to step forward at the same time.

We also welcome Mr. Leonard Maiden, deputy chief of the Metropolitan Police Department Youth Division, and Mr. David Bostrom, captain of the Metropolitan Police Department Youth Division.

PREPARED STATEMENT

We welcome you here, President Eaton. Your formal statement, along with that of Mrs. McKenzie, will be a part of the record in full, and consistent with our practices we would appreciate it, to the extent possible, that you would summarize, leaving the maximum time for questions.

[The statements follow:]

Statement of Rev. David H. Eaton

GOOD MORNING SENATOR SPECTOR AND MEMBERS OF THE SUB COMMITTEE. ON BEHALF OF THE BOARD OF EDUCATION, I THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TO TESTIFY IN SUPPORT OF THE FY 1985 BUDGET REQUEST FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. FOR THE RECORD, I AM DAVID H. EATON, PRESIDENT OF THE BOARD OF EDUCATION.

THE BUDGET REQUEST BEFORE YOU REPRESENTS THE RESULT OF AN UNDERSTANDING BETWEEN THE BOARD, THE MAYOR, AND THE CITY COUNCIL. THIS BUDGET REPRESENTS A SPIRIT OF COOPERATION AND AN UNDERSTANDING OF THE EDUCATIONAL NEEDS OF THE SCHOOL SYSTEM, IN LIGHT OF THE FISCAL CONDITIONS OF THE CITY.

THE SUPERINTENDENT WILL HIGHLIGHT OUR PROGRAMMATIC CHANGES AS A RESULT OF THE FY 1985 BUDGET REQUEST. HOWEVER, I WILL BRIEFLY POINT OUT THAT OF THE $12.5 MILLION DOLLARS OR 3.8 PERCENT INCREASE OVER LAST YEAR'S BUDGET, BETTER THAN 60 PERCENT IS DIRECTED TO SUPPORT MANDATORY NEEDS. THE BALANCE WILL BASICALLY SUPPORT THE NEEDS OF FOUR UNDER-SERVED POPULATION GROUPS IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. THESE INCLUDE:

- THE MAINTENANCE OF EXISTING SPECIAL EDUCATION SERVICES THAT WOULD BE REDUCED BECAUSE OF CHANGES IN THE FEDERAL FUNDS AVAILABLE AND THE OFFERING OF SERVICES FOR THREE-YEAR OLD HANDICAPPED CHILDREN.
- THE INCREASE OF FUNDS FOR LIMITED AND NON-ENGLISH SPEAKING CHILDREN. THESE INCREASES ARE IN RESPONSE TO THE BURGEONING POPULATION OF LIMITED AND NON-ENGLISH SPEAKING STUDENTS IN THE CITY. STATISTICS OVER THE LAST

THREE YEARS SHOW THAT THIS POPULATION IS GROWING AT A RATE OF NEARLY 20 PERCENT ANNUALLY. WE ENROLL ROUGHLY 15 STUDENTS PER WEEK WITH THE MAJORITY COMING FROM EL SALVADOR. EXISTING INSTRUCTIONAL OFFERINGS ARE INSUFFICIENT FOR BOTH THE UNIQUE NEEDS AND THE GROWING NUMBER OF STUDENTS IN THIS POPULATION.

- THE INCREASE OF FUNDS TO MODESTLY EXPAND OUR PRE-KINDERGARTEN PROGRAM AND THE ADULT AND CONTINUING EDUCATION OFFERINGS. THESE INCREASES ARE NECESSARY TO PROVIDE THE NEEDED EARLY EDUCATION INTERVENTION WHICH MANY OF OUR ECONOMICALLY DEPRIVED CHILDREN SO DESPERATELY NEED. THE INCREASES WILL ALSO SUPPORT THE NECESSARY UPGRADING AND EXPANSION OF ADULT AND CONTINUING EDUCATION PROGRAMS TO ENHANCE THE SCHOOL SYSTEM'S EFFORT TO DEVELOP AN EDUCATED POPULACE WITH MORE MARKETABLE EMPLOYMENT SKILLS. FUNCTIONAL ILLITERACY IS A MAJOR PROBLEM AMONG THE DISADVANTAGED ADULT POPULATION IN THIS COUNTRY. AS AN EDUCATIONAL SERVICE ORGANIZATION, ALTHOUGH NOT MANDATED BY LAW, WE FEEL COMPELLED TO SERVICE THIS GROUP OF PEOPLE TO THE BEST EXTENT POSSIBLE.

IN CONSIDERING THE NEEDS OF THE SCHOOL SYSTEM, IT IS IMPORTANT ALSO TO BE AWARE OF THE DETERIORATED STATE OF OUR SCHOOL FACILITIES. WE CAN NO LONGER OPERATE BY DEFERRING CAPITAL IMPROVEMENTS. NOT ONLY MUST WE CORRECT OUR CURRENT FACILITIES PROBLEMS, WE ALSO MUST BE ABLE TO CONTINUOUSLY MAINTAIN OUR FACILITIES IN GOOD REPAIR; THIS, IN THE LONG RUN, ACTUALLY SAVES MONEY. UNDERSTANDING THE FINANCIAL NEEDS OF THE CITY AND CONDITIONS OF OUR FACILITIES, IT IS IMPERATIVE THAT

THE BOARD CONTINUE TO SEEK OUT AND PROVIDE THE RESOURCES NEEDED TO MAINTAIN AND SPEED UP CAPITAL IMPROVEMENTS.

ON A CLOSING NOTE, I AM HAPPY TO REPORT TO YOU THAT THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS IS EXPERIENCING MUCH PROGRESS. OUR STUDENTS' ACADEMIC ACHIEVEMENTS ARE STEADILY INCREASING. OUR ENROLLMENT IS STABILIZING; THE RATE OF DECLINE IS NOT AS SHARP AS IT WAS DURING THE SEVENTIES. WE CONTINUE TO GAIN THE CONFIDENCE AND INVOLVEMENT OF AN INCREASINGLY SUPPORTIVE COMMUNITY. PROGRAMS ON LEASING HAVE BEEN APPROVED AND PROGRAMS TO IMPROVE PROCUREMENT PROCESSES ARE UNDERWAY. CONTINUED IMPROVEMENTS ARE TAKING PLACE IN OUR BUDGETING PROCEDURES; WE ARE IN THE LEAD IN EMPLOYING COMPUTER TECHNOLOGY AND INSTRUCTION THROUGHOUT THE SCHOOL SYSTEM; AND, WE LOOK FORWARD TO THE PROMISING BENEFITS THE SHOULD OCCUR FROM IMPLEMENTING RECOMMENDATIONS FROM OUR TEACHER INCENTIVE STUDY. THE SUPERINTENDENT WILL HIGHLIGHT MANY OF OUR INSTRUCTIONAL AREAS OF PROGRESS IN HER OPENING STATEMENT.

WHILE WE ARE WITNESSING A GROWING RECORD OF ACCOMPLISHMENTS, WE HAVE MUCH WORK LEFT BEFORE US. WE HAVE PINPOINTED THE AREAS STILL IN NEED OF IMPROVEMENT AND HAVE SET IN MOTION THE PLANS TO ADDRESS THESE AREAS.

TO ASSIST US IN REALIZING THESE GOALS, WE URGE YOUR CONTINUING SUPPORT FOR THE SCHOOL SYSTEM AND YOUR APPROVAL OF THE BOARD'S FY 1985 BUDGET REQUEST.

STATEMENT OF FLORETTA DUKES MCKENZIE

GOOD MORNING SENATOR SPECTOR AND MEMBERS OF THE SUBCOMMITTEE. FOR THE RECORD, I AM FLORETTA DUKES McKENZIE, SUPERINTENDENT OF SCHOOLS, AND CHIEF STATE SCHOOL OFFICER, OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. AGAIN IT IS A PLEASURE TO HAVE THIS OPPORTUNITY TO COME BEFORE YOU TO TESTIFY ON BEHALF OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND OUR FY 1985 BUDGET REQUEST.

THE FY 1985 BUDGET REQUEST OF $338.8 MILLION REPRESENTS THE MINIMAL REQUEST NECESSARY TO MAINTAIN AND IMPROVE ESSENTIAL PROGRAMS AND SERVICES.

WE HAVE DEMONSTRATED OUR ABILITY TO EFFECTIVELY MANAGE IN A RESPONSIBLE MANNER AND TO PROVIDE A QUALITY EDUCATION FOR OUR 89,491 STUDENTS. THE IMPROVEMENTS WHICH HAVE CHARACTERIZED THE PAST FEW SCHOOL YEARS CAN BE ATTRIBUTED IN LARGE PART TO THE LEADERSHIP AND TEAMWORK PROVIDED BY THE BOARD, OUR EDUCATORS, PARENTS, VOLUNTEERS, SUPPORTERS, AND THE MANY HARD WORKING STUDENTS OF THE DISTRICT OF COLUMBIA. YOUR SUPPORT OF THIS FY 1985 BUDGET REQUEST IS NEEDED TO HELP US SUCCEED AS WE CONTINUE EDUCATIONAL IMPROVEMENTS FOR OUR YOUTH.

OUR PROGRESS COVERS A BROAD SPECTRUM OF AREAS. SOME AREAS TO BE NOTED ARE:

o INCREASED STUDENT ACHIEVEMENT

CHILDREN IN ALL ELEMENTARY GRADES ARE WORKING UNDER THE STUDENT PROGRESS PLAN, A MEANS OF ENSURING STUDENTS' MASTERY OF THE REQUIRED MATH AND READING

SKILLS. AT MID-YEAR IN 1982, 73 PERCENT OF THE ELEMENTARY STUDENTS HAD DEMONSTRATED MASTERY OF THE PRESCRIBED SKILLS. AT THE END OF THE FIRST SEMESTER IN 1983, THAT PERCENTAGE HAD JUMPED TO 84 PERCENT. IN 1984, THE FIGURE INCREASED AGAIN TO 88 PERCENT. PLANS TO EXPAND THE STUDENT PROGRESS PLAN TO THE SECONDARY LEVEL ARE NOW UNDERWAY.

- ALSO, THIS YEAR OUR FIRST GROUP OF SENIORS IS GRADUATING UNDER THE INCREASED ACADEMIC REQUIREMENTS SET FORTH IN 1980. THESE REQUIREMENTS INCLUDE AN ADDITIONAL YEAR OF MATHEMATICS AND AN ADDED YEAR OF SCIENCE STUDY.

- IN FEBRUARY 1984, DISTRICT OF COLUMBIA PUBLIC SCHOOLS OPENED THE DISTRICT'S FIRST APPRENTICESHIP SCHOOL FOR THE CONSTRUCTION TRADES. UNTIL NOW, PERSONS SEEKING SUCH TRAINING HAD TO GO TO EITHER MARYLAND OR VIRGINIA.

- PUBLIC/PRIVATE PARTNERSHIP

  THE EFFORTS BETWEEN OUR SCHOOLS AND THE BUSINESS COMMUNITY WHICH BEGAN IN 1981 HAVE FLOURISHED AND EXPANDED. IN ADDITION TO THE SIX CAREER HIGH SCHOOL PROGRAMS UNDER THE SPONSORSHIP OF MAJOR NATIONAL AND LOCAL BUSINESSES, THE FOLLOWING PUBLIC/PRIVATE VENTURES HAVE BEEN LAUNCHED:

  1. AN INFORMATION PROCESSING PROGRAM SPONSORED BY XEROX CORPORATION.
  2. A MANAGEMENT TRAINING INSTITUTE FOR SCHOOL ADMINISTRATORS, SPONSORED AND OPERATED BY A CONSORTIUM OF CORPORATIONS.

3. A MODEL MATH AND SCIENCE PROGRAM FOR TEACHERS UNDER THE AUSPICES OF THE GTE CORPORATION.
4. INSTALLATION OF COMPUTER-ASSISTED INSTRUCTION LABS BY IBM AT FOUR DISTRICT OF COLUMBIA PUBLIC JUNIOR HIGH SCHOOLS.
5. AN INSTRUCTIONAL TRANSMISSION SYSTEM THROUGH AN AGREEMENT BETWEEN THE NATIONAL UNIVERSITY OF THE AIR AND MICROBAND CORPORATION OF AMERICA WHICH WILL PERMIT THE DISTRIBUTION OF INSTRUCTIONAL TELEVISION PROGRAMS DIRECTLY TO SCHOOLS HAVING CLOSED CIRCUIT TELEVISION SYSTEMS.

AS YOU MAY BE AWARE, THIS YEAR OUR PARTNERSHIP EFFORTS ALSO INCLUDE THE WHITE HOUSE AND FEDERAL GOVERNMENT. NOT ONLY DID THE WHITE HOUSE SET THE STAGE BY ADOPTING MARTIN LUTHER KING, JR. ELEMENTARY SCHOOL BUT ALSO ISSUED A CHALLENGE TO ALL FEDERAL AGENCIES TO JOIN WITH SCHOOLS IN SHARING EXPERTISE, TRAINING AND RESOURCES. TO DATE, MORE THAN 30 SCHOOLS HAVE BEEN "ADOPTED" BY A VARIETY OF FEDERAL AGENCIES.

ADDITIONALLY, THE SCHOOL SYSTEM IS FINALIZING PLANS FOR A MAJOR PROGRAM TO ENHANCE STUDENTS' EMPLOYABILITY SKILLS WITH A LEADING FAST-FOOD CORPORATION.

- EDUCATIONAL TECHNOLOGY

  THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM WAS ONE OF THE FIRST SCHOOL DISTRICTS IN THE NATION TO ADOPT A FIVE-YEAR COMPUTER LITERACY PLAN. FURTHERMORE, IN MARCH 1983, THE BOARD OF EDUCATION SET FORTH A POLICY WHICH REQUIRED:

  - THE ESTABLISHMENT OF COMPUTER LABS IN ALL SCHOOLS.

- TRAINING IN COMPUTER LITERACY AND HARDWARE AND SOFTWARE SELECTION SKILLS FOR ALL INSTRUCTIONAL PERSONNEL.
- COMPUTER LITERACY AS A GRADUATION REQUIREMENT NO LATER THAN SCHOOL YEAR 1987-88.

WORK ON THE IMPLEMENTATION OF THIS POLICY HAS PROCEEDED EXTREMELY WELL. FOR EXAMPLE, MORE THAN 2,000 ADMINISTRATORS AND TEACHERS HAVE ALREADY COMPLETED A COMPREHENSIVE COMPUTER LITERACY COURSE. FURTHERMORE, THE MANAGEMENT SIDE OF EDUCATION IS SUCCESSFULLY EMPLOYING THE "PAPER AND PERSONNEL-SAVING" APPLICATIONS OF TECHNOLOGY. AUTOMATION HAS COME TO SUCH AREAS AS PERSONNEL AND STUDENT RECORDS, STUDENT ENROLLMENT AND ATTENDANCE AS WELL AS THE PROCUREMENT, SECURITY, AND TRANSPORTATION FUNCTIONS.

ADDITIONAL PROGRESS HAS BEEN MADE IN THE AREA OF PROFESSIONAL DEVELOPMENT. WE HAVE ENACTED AND PARTICIPATED IN SEVERAL PROGRAMS TO RECOGNIZE OUTSTANDING PERFORMANCES OF TEACHERS, SUCH AS, THE TEACHER OF THE YEAR AWARD, SUPERINTENDENT'S INCENTIVE AWARDS, AND THE WASHINGTON POST MINI GRANTS.

OVER THE LAST YEAR WE HAVE CONDUCTED A COMPREHENSIVE STUDY OF TEACHER INCENTIVES. THE GOAL OF THE STUDY WAS TO DEVELOP "A BALANCED AND COMPREHENSIVE SYSTEM WHICH WILL EMBRACE THE CONCEPTS OF MERIT PAY AND EXEMPLARY TEACHER RECOGNITION... TO RECOGNIZE OUTSTANIDNG TEACHERS THROUGH BOTH MONETARY AND PROFESSIONAL INCENTIVES." THE STUDY, WHICH INCLUDED A SURVEY OF D. C. TEACHERS AND PRINCIPALS, ALSO EXAMINED EXISTING TEACHER INCENTIVES AND SOUGHT TO IDENTIFY

INCENTIVES FOR ATTRACTING AND RETAINING HIGHLY QUALIFIED TEACHERS.

THE STUDY TEAM, A TASK FORCE OF TEACHERS, ADMINISTRATORS, PARENTS AND COMMUNITY REPRESENTATIVES, REVIEWED THE RESEARCH ON MERIT PAY, MASTER TEACHER PLANS, AND OTHER INCENTIVE PLANS, AND CONCLUDED THAT THE SUCCESS OF ANY PLAN WILL DEPEND UPON ADEQUATE PLANNING, SUFFICIENT FUNDING AND CONSIDERATION OF THE DISTRICT'S SPECIFIC TEACHING CONDITIONS AND NEEDS.

IN LATE MAY, THE TASK FORCE FORWARDED ITS RECOMMENDATIONS TO THE BOARD OF EDUCATION. IT RECOMMENDED THE ADOPTION AND FURTHER DEVELOPMENT OF TWO KINDS OF INCENTIVES. THE FIRST CATEGORY CONSISTS OF CAREER DEVELOPMENT INCENTIVES:

- o DEVELOPMENT OF A CAREER LADDER PLAN WHICH LINKS MAJOR SALARY INCREASES TO PERFORMANCE-BASED CAREER ADVANCEMENT.
- o DEVELOPMENT OF A DIFFERENTIATED STAFF PLAN THAT RECOGNIZES AND USES THE TALENTS OF EXPERT, EXPERIENCED TEACHERS.

THE SECOND CATEGORY OF INCENTIVES CONSISTS OF AWARD PROGRAMS THAT RECOGNIZE AND REWARD THE EFFORTS OF EXCELLENT TEACHERS AND THE EFFORTS OF ENTIRE SCHOOLS WHOSE FACULTIES HAVE LAUNCHED AND ACHIEVED SIGNIFICANT SCHOOL IMPROVEMENTS.

I BELIEVE THE STUDY AND ITS RECOMMENDATIONS PROVIDE OUR SCHOOL SYSTEM WITH SOME INVALUABLE DATA AND CLEAR DIRECTIONS.

I AM CONFIDENT THAT THE IMPLEMENTATION OF THESE RECOMMENDATIONS WILL GREATLY ASSIST IN IMPROVING THE QUALITY OF TEACHING AND CONSEQUENTLY, LEARNING, IN THE SCHOOL SYSTEM.

THE MAJOR PROVISIONS OF THIS $338.8 MILLION BUDGET REQUEST CAN BE GROUPED INTO TWO MAJOR CATEGORIES. THESE ARE MANDATORY SERVICES AND ESSENTIAL AND RELATED SERVICES.

MANDATORY SERVICES INCLUDE:

- PERSONNEL WITHIN-GRADE INCREASES
- BUS REPLACEMENTS
- FACILITY IMPROVEMENTS

IT IS IMPORTANT TO BEAR IN MIND THAT THESE MANDATORY INCREASES DO NOT TAKE INTO ACCOUNT UPCOMING LABOR NEGOTIATIONS. CONSEQUENTLY, INCREASES WHICH MIGHT RESULT FROM THESE NEGOTIATED AGREEMENTS MIGHT REQUIRE A SUPPLEMENTAL BUDGET REQUEST.

THE BUDGET PROVISIONS FOR ESSENTIAL AND RELATED SERVICES INCLUDE ADDITIONAL SUPPORT FOR SOME EXISTING PROGRAMS AND OFFERINGS THAT ARE CURRENTLY UNDERFUNDED. THESE INCLUDE:

- PRE-KINDERGARTEN EXPANSION
- SPECIAL EDUCATION MAINTENANCE SUPPORT AND IMPROVEMENTS
- ADULT/CONTINUING EDUCATION IMPROVEMENTS
- BILINGUAL EDUCATION EXPANSIONS
- LEGAL SERVICES
- MAINTENANCE OF THE TEXTBOOK SERVICES UNIT
- MAINTENANCE OF CURRICULUM DEVELOPMENT SERVICES

THIS BUDGET WILL ALLOW THE SCHOOL SYSTEM TO CONTINUE THE MOMENTUM WHICH HAS BEEN ESTABLISHED IN RECENT YEARS. I URGE YOUR SUPPORT FOR THE BOARD'S 1985 BUDGET REQUEST.

INTRODUCTION OF ASSOCIATES

Reverend EATON. Thank you very much, Senator. To my immediate right is the chairman of our Finance Committee, Mr. David Hall.

Senator SPECTER. Welcome, Mr. Hall.

Reverend EATON. I always feel much more comfortable if I have the expert on finance right with me here. And another one of our board members, Ms. Wanda Washburn, is here.

Senator SPECTER. Ms. Washburn, we would be very pleased to have you join us at the witness table, if you would care to do so.

SUMMARY OF BUDGET

Reverend EATON. I will summarize the budget. I would like to thank you, Senator Specter, and members of the subcommittee. On behalf of the board of education, I want to thank you for the opportunity to appear before you and support our 1985 budget request.

My name is David Eaton, president of the board of education. The budget before you represents a first in the history of the District of Columbia of an elected school board; that is, rather than get into a public arena and slug out differences, the Mayor of the city and his representatives, the president of the board of education and the members of the city council, wrestled with the bottom line.

We had a real wrestling match and were able to come to an agreement on what the budget for the school system for fiscal year 1985 should be. The superintendent will highlight our programmatic changes as a result of this budget request.

However, I will briefly point out that the $12.5 million, or the slight increase of 3.8 percent over last year's budget—better than 60 percent is directed toward mandatory needs in the school system. The balance will basically support the needs of our underserved population groups in the District of Columbia.

These groups include the maintenance of existing special education services that would have been reduced because of the changes in the Federal funds available, and we have to make up those changes from our local budget.

The increase of funds for limited and non-English-speaking children—these increases are in response to the burgeoning populations of limited and non-English-speaking students in the city. If I may elaborate on that briefly, you are probably well aware that Washington, D.C. receives a lot of persons who are coming in especially from Central America.

I have just been joined, by the way, by my colleague and member at large, Mr. Eugene Kinlow. Good morning, Mr. Kinlow.

Senator SPECTER. We welcome you here, sir.

Mr. KINLOW. Thank you.

Reverend EATON. This is going to probably take a toll on the city, possibly in a positive way, but we are getting a lot of persons into Washington, D.C., as I am sure you and your colleagues in the Congress have noticed, from Central America, and quite a few from the

Asian population as well. They do become residents of the District and students in our school system.

We also need funds to modestly expand our prekindergarten program and in the adult and continuing education areas. I will briefly go through, since you have the written testimony. In considering the needs of our school system, it is also important to be aware of our deteriorating rate of our school facilities.

We can no longer operate by deferring capital improvements. Not only must we correct our current facility problems; we must also be able to continuously maintain our facilities in good repair. This, in the long run, actually saves money.

MAINTENANCE OF THE PHYSICAL PLANT

Senator SPECTER. Reverend Eaton, while you are on the subject of school board facilities, I would be interested in your view, and perhaps Superintendent McKenzie would supplement, as to whether you realistically are maintaining the physical plant of the board of education and the school system.

I had the opportunity to tour some schools, and it is an ongoing problem. Of course, I realize the difficulties of making ends meet with the funds available for a big city like Washington and the board of education.

I commend you for having worked out the issues with the Mayor, and I would like your candid view as to the adequacy of the allocations on maintenance of the physical plant of the school system.

Reverend EATON. It is seriously underfunded. I am a product of the D.C. public schools. I was born and raised right here in Washington, D.C., and I know most of these schools very well because most of them were built before I even went to school.

We have one facility, for an example; I think it is McKinley High School. Realistically, in order to bring that facility into accord with what it really ought to be on minimum accepted standards, it would take approximately anywhere between $25 to $29 million.

Senator SPECTER. That funding is obviously not present for the current year.

Reverend EATON. That is correct. Our total funding for the entire capital improvements for fiscal year 1985 is, to my knowledge, only $11.5 million, is that correct?

Ms. WASHBURN. Authorization.

Reverend EATON. I am sorry; the authorization is $11.5 million.

Underfunding for capital improvements is one of the most difficult problems that we have had since I have been on the board of education—and my predecessor as president was Mr. Kinlow and he could probably speak to that during his 1-year tenure as president.

We have been constantly underfunded in the area of capital improvements, and it is very difficult to adequately maintain facilities.

Senator SPECTER. Is the essence of what you are saying that you have enough to scrape by?

Reverend EATON. Just to scrape by, that is correct.

Senator SPECTER. What would you like to have if you had adequate funding to preserve your physical plant?

Reverend EATON. I want to make sure I am informed on that. Our request, if I can recall, was what?

Mr. KINLOW. If I may, the superintendent recently gave the board of education a report that showed that $50 million was needed to respond to deferred repairs.

Senator SPECTER. Would you identify yourself for the record?

Mr. KINLOW. I am sorry. I am Gene Kinlow, at-large member of the board of education.

Senator SPECTER. Thank you.

Mr. KINLOW. I just wanted to refer to the superintendent's recent report to the Board of Education which suggests that we currently have a shortfall of about $50 million in terms of what our real needs are for bringing the facilities up to par.

Senator SPECTER. Just on the physical plant?

Mr. KINLOW. Just on the physical plant, yes.

ADEQUACY OF TEACHER SALARIES

Senator SPECTER. Turning from the physical plant to the question of teacher salaries—and that might come ahead of physical plant, but since you started with physical plant, I asked the question—what is your view as to the adequacy of funding for teacher salaries?

Reverend EATON. Well, I think teacher entrance salaries throughout the country, in my opinion, are too low, and that is also true of the District of Columbia.

Senator SPECTER. What is the entering salary?

Reverend EATON. It is approximately $17,000. Is that correct, Madam Superintendent?

Mrs. MCKENZIE. Yes.

Senator SPECTER. Is that comparable to other big cities?

COMPARABILITY OF TEACHERS SALARIES

Mrs. MCKENZIE. They are comparable to the metropolitan area.

Senator SPECTER. That is Superintendent McKenzie speaking now, for the record.

Mrs. MCKENZIE. Yes; Floretta McKenzie. I am very pleased to be here.

Our $17,000 entrance salary is the highest in the metropolitan area presently, but as we move to the upper salary ranges we fall off and do not compare as well.

Senator SPECTER. What is the highest salary for a teacher?

Mrs. MCKENZIE. The highest salary for a teacher at the maximum rate is about $35,000.

Senator SPECTER. How does that compare nationally?

Mrs. MCKENZIE. We are in pretty good shape nationally. We are not the highest in the metropolitan area, but we are about third or fourth nationally.

Senator SPECTER. What is the highest in the metropolitan area?

Mrs. McKENZIE. The highest in the metropolitan area is $36,500 in Alexandria.

Senator SPECTER. So you are close?

Mrs. McKENZIE. We are close.

Senator SPECTER. Does the salary range create a situation where you either fail to attract good teaching prospects or lose good teachers from your system?

Mrs. McKENZIE. We have a problem in recruiting in those critical areas of mathematics, science, industrial arts, and special education. There is no question that we are not getting the quality of candidates that we previously got into teaching.

One of the recommendations that came from the incentive study that you so graciously funded for us was that we must improve our recruitment and selection, and the quality of teachers that we are attracting.

Senator SPECTER. And what have you done about that, Superintendent McKenzie, if there is anything you can do?

Mrs. McKENZIE. We are reviewing selection procedures and seeing if we can tighten up. But the crop, the talent pool, is not there. We can tighten up our standards, but the pool of talent is not there, so we need to work with colleges and universities, and even with our own best graduates from high school to encourage them into the teaching field.

For example, not to denigrate bus drivers, but a bus driver starts at more than $20,000, while a teacher starts at $17,000.

Senator SPECTER. How high do the bus drivers go, if you know?

Mrs. McKENZIE. Approximately $40,000. So it is these kinds of comparisons, and given the amount of time and the increasing demands on teachers, it is going to be difficult, particularly with teaching staffs getting older. We expect to lose maybe a quarter of our teachers.

ADEQUATE SALARY RANGE FOR TEACHERS SALARIES

Senator SPECTER. Superintendent McKenzie, if you had an adequate salary range, where would you like to start teachers?

Mrs. McKENZIE. If I had an adequate salary range, I would like to start teachers closer to $20,000.

Senator SPECTER. And how high should they go?

Mrs. McKENZIE. As we look at differentiated staffing, and that was another one of the recommendations, talking about master teachers and having other responsibilities for teachers, I would hope for the salary to go to about the midforties.

Senator SPECTER. How good a job does the teaching system and the board of education do in educating the children of the District of Columbia, as you would evaluate it by testing or by comparable results from other cities in the United States?

Mrs. McKENZIE. I would say that we have work to do. If we compare ourselves with other cities, we are making substantial progress, but certainly not enough.

COMPARABILITY OF TEST SCORES WITH OTHER JURISDICTIONS

Senator SPECTER. Where does the District of Columbia rate with other cities in terms of testing scores or however you rate the efficiency of your educational system?

Mrs. MCKENZIE. It is difficult to do a testing score comparison since most of us use different standardized test instruments. But with respect to elementary students on grade level and above, we have managed to stabilize it, bringing our students to grade level in our elementary schools; we are very close in junior high schools.

So we are doing as well or better than a number of school districts.

Senator SPECTER. Superintendent McKenzie, I would like to know the specifics, to the extent you can provide them, in terms of how the District of Columbia school system performs compared to other comparable cities.

Mrs. MCKENZIE. OK.

[The information follows:]

COMPARISON OF TEST PERFORMANCE BY STUDENTS IN LARGE CITY SCHOOL SYSTEMS

School systems employ different testing instruments to measure student performance. These varying instruments report test scores in forms such as percentages, percentiles, stanines, and grade equivalents. Due to these differences the District of Columbia public schools do not systematically collect and prepare standard test scores on large school districts. The following data is based upon a random collection of data from a few large school districts that show comparable reporting forms for spring 1983.

School district and test instrument	Grade 3	Grade 5	Grade 8
Los Angeles—Comprehensive Test of Basic Skills (reported in median percentile)			
Reading	44	37	42
Math	52	51	50
Albuquerque—Comprehensive Test of Basic Skills, Form U (reported in mean percent)			
Reading	52	59	59
Math	61	68	67
Dallas—Iowa Test of Basic Skills (reported as average scores)			
Reading	45	37	33
Math	61	50	34
Miami—Stanford Achievement Test (7th Edition) (reported in median percentile)			
Reading	43	39	44
Math	51	54	53
Philadelphia—California Achievement Test (reported in median percentile)			
Reading	49	37	34
Math	60	46	33
Washington, D.C.—Comprehensive Test of Basic Skills (reported in median percentile)			
Reading	56	52	37
Math	64	59	43

RELATIONSHIP OF TEACHER SALARIES AND QUALITY EDUCATION

Senator SPECTER. And my next question to you is, is there a causal relationship? If there were more pay, do you think it would show significantly in the quality of education in the District, or is there still a factor of professionalism among teachers—teachers willing to work for less?

How big a factor, stated differently, is pay in terms of the ultimate result of the quality of the educational system?

Mrs. McKenzie. Pay is a very important factor, but it is not the only factor. I think by the fact that we have had stable budgets for the last 2 years, we have seen an improvement in morale and some improvement in attendance, the dropout rate, and promotions. These are all indicators of the effectiveness of the school system.

We have also seen teachers taking on extra responsibilities by way of clubs for students and all kinds of activities. That generally comes because they are better satisfied with what is happening in the system.

ADEQUATE FUNDING FOR TEACHERS' SALARIES

Senator Specter. There has been testimony that you need $50 million for your capital improvements, if you had an adequate sum of money. What would that figure be for teacher salaries?

Mrs. McKenzie. The figure for teacher salaries would probably be close to $25 million.

Senator Specter. I would be interested in how you would allocate that and how you would apply it. I do not mean by asking these questions to suggest that those funds are going to be forthcoming.

Mrs. McKenzie. No.

Senator Specter. But I do think that we ought to at least know what the realistic parameters are in dealing with an educational system, and that there is a special responsibility, in my view, on a city like the Nation's Capital to sort of be our showplace.

We are working on that in a number of fields and I have indicated my interest in the criminal justice field—an area where I have worked. But I would be interested to know what you really feel you need as professional educators to do an adequate job.

I would also be interested in your judgment as to what that would do in terms of the quality of education if you were funded in a more generous way.

[The information follows:]

Funds Needed To Improve Teachers' Salaries and How They Would Be Used

At least $25 million in funds would be necessary to make substantial improvement in teachers' salaries. These funds would be used to support improved conditions for teachers as were identified in the Teacher Incentive Study Report. They would be applied toward teacher career ladders, adjustments to step increases for teachers, funds to support the teacher incentive awards, implementation of a teacher mentor program, support for ongoing staff development, and improvement in teacher recruitment and retention.

TEACHER INCENTIVE STUDY

Mrs. McKenzie. Let me say this, and perhaps we will get into this in a little more detail later on. The board of education just this week took action with respect to the teacher incentive study. The board has indicated that we should move cautiously, but move toward development of differentiated staffing for teachers with pay, along with increased responsibilities and performance.

We also indicated that we need to look at school incentives and how we can stimulate a school to make improvement on assessed needs, and also teacher incentives, and lastly to look at our recruitment, selection, and evaluation of teaching staff.

Senator SPECTER. As I understand the net conclusions of the merit pay study, it concluded that merit pay was not desirable, as such. Is that correct?

Mrs. McKENZIE. Merit pay in and of itself. But it recommended a number of incentives for improving the teaching performance, but not in and of itself.

Senator SPECTER. Well, that is a conclusion which bears analysis, given our free enterprise system and given the choice that a prospective teacher might make to become a bus driver, as you suggested earlier, so that I wonder just how realistic that conclusion was in terms of what we know people's instincts are to take the best paying job.

CONCEPT OF MERIT PAY

Is there more to merit pay than meets the eye or meets the specific conclusions of the merit pay study, in your judgment, Madam Superintendent?

Mrs. McKENZIE. I know there are a couple of board members who want to say something, but we did have the benefit of some of the Nation's experts on this issue. We also have looked at some things that have been implemented in other places that would make for improvement.

But I know that Mr. Hall would like to respond to your inquiry.

Mr. HALL. Thank you, Superintendent McKenzie.

Senator Specter, I think the——

Senator SPECTER. Would you identify yourself for the record?

Mr. HALL. I am R. David Hall, a member of the District of Columbia Board of Education.

I think the study which was undertaken by the superintendent at the request of the Congress was one which allowed us to examine what will or will not work in the District of Columbia.

The concept of merit pay, when separated out and examined as it is practiced in other jurisdictions, would not be the same as it would be in the District of Columbia.

Senator SPECTER. Why not?

Mr. HALL. I think the ideas which have permeated the airwaves and the professional associations with regard to teaching and instruction perhaps have caused a climate of understanding or misunderstanding about what merit pay is.

Merit pay has to be defined by the particular jurisdiction it is to be implemented in, and I think the reason that it is different for the District of Columbia is because the task force which worked on the development of the superintendent's report was made up of people throughout the Washington community who brought to bear some of their ideas and concerns with regard to the implementation of a merit pay plan.

I think the recommendations which are reflected in the report indicate that our teachers would like to see other things, such as supplies or perhaps school incentive awards, implemented rather than the performance which is based on testing or some other criterion.

Senator SPECTER. Reverend Eaton, are there other major areas of need or concern that you would like to call to the subcommittee's attention?

Reverend EATON. With the Senator's indulgence, may I speak to that merit pay situation?

Senator SPECTER. By all means.

Reverend EATON. One of the interesting things about the superintendent's study is that many teachers were actually interviewed throughout the system. Now, the words "merit pay" have different meanings in different places.

For an example, you are familiar with the Houston situation on merit pay where the teachers did not feel that they could be adequately evaluated. There was a story in one of the papers where some teachers said, if we are evaluated based upon the test scores of our students, we are going to cheat. This was certainly a terrible thing for a teacher to say. I think it was in the city of Houston, Tex.

What our teachers are basically saying—as I look at it from sort of a counseling perspective—they are saying, we want the dignity, the respect, and adequate salary, but we also want a type of professionalism. They are emphasizing sabbatical leave for further study. They are emphasizing periods of time off.

In many of our elementary schools, for an example, the teacher only has the lunch period off and the teacher has to be in the room every other time of day. They have very little time to communicate with other teachers in the building because each one is in a separate room.

I would like to end simply by saying that I was quite impressed when the superintendent, our curriculum expert and I went to Japan. I think it was the fall of 1982, is that correct, Mrs. McKenzie?

Mrs. MCKENZIE. Yes.

Reverend EATON. Even though we are dealing with an entirely different culture that is quite homogeneous, one of the things that I think I can mention is that the teaching profession had one of the highest statuses in the country.

As you are well aware, the educational system budget is national rather than statewide. But the highest budget in Japan was for education and space exploration; the two were together.

The teachers had time off during the day to communicate with each other about student problems, student testing scores, curriculum, and so forth. In many of our elementary schools, this is not possible, except either before school or after the students leave.

So the teachers are basically saying, we want an air-conditioned room to work in. Last week, for an example, because of lack of capital improvements, many of our teachers were sitting in sweltering rooms with their students—a very uncomfortable situation. They want adequate facilities.

They want to be able to take sabbaticals. They want to be able to get awards for certain things. This is primarily what they have been emphasizing, and therefore, we are working on a career ladder that is performance-based, with bonuses and things of that nature, rather than getting a complicated system of merit pay.

So that is what we are looking at, and what you were able to do for the system afforded us an opportunity to really take a good look at it.

Senator SPECTER. Well, I am glad that you were able to carry on that study because I think that is very important to understand the motivations of the teachers and to respond.

METROPOLITAN POLICE DEPARTMENT YOUTH DIVISION

STATEMENTS OF:

LEONARD A. MAIDEN, DEPUTY CHIEF, METROPOLITAN POLICE DEPARTMENT YOUTH DIVISION

DAVID W. BOSTROM, CAPTAIN, METROPOLITAN POLICE DEPARTMENT YOUTH DIVISION

PROBLEMS POSED BY TRUANCY

Senator SPECTER. I would like to turn at this point to a related subject, and that is the subject of truancy, because of the tremendous problem posed by truancy. There is nothing more basic than an educational system to give our children a basis for success in this world.

The first problem that arises, although there are many threshold, significant problems, is when the student absents himself. You cannot educate him if he is not there. And when a student becomes a truant, that starts to move in the direction of a potential life of crime.

I have seen so many case histories where a youngster was a truant at 7 or 8, a vandal at 10 or 11, burglary of vacant property at 15, robbery at 17, and robbery-murder at 18.

If I had to pick one cause from what I have seen on so many case histories, I would say it would be truancy, and that is where the road forks or bifurcates away from the educational system and toward a crime pattern.

I noted just a couple of months ago the newspaper headlines about the D.C. truancy given approval in terms of fining storekeepers who have truants in their premises. My own thought is that that is fine, but peripheral. The place to start is to try to get the truants identified and back into the school system so that they can be educated.

For that reason, we have asked Deputy Chief Maiden and Captain Bostrom to be with us today to give us their perspectives on the problem of truancy. I wanted them to come with the leaders, the president, board members, and superintendent, and get your interreaction to this kind of a problem which I think is a very significant one here in the District of Columbia, and really everywhere in this country.

PREPARED STATEMENT

Welcome, Chief Maiden. We look forward to your testimony. Your full statement will be made a part of the record, and to the extent you could summarize it, we would appreciate it.

[The statement follows:]

STATEMENT OF DEPUTY CHIEF LEONARD A. MAIDEN

Good morning, Mr. Chairman. I am Deputy Chief Leonard A. Maiden, the Commander of the police department's Youth Division. I shall be discussing truancy in the District of Columbia from the police department's perspective, and the department's efforts to reduce truancy.

As a police department, we appreciate the multi-faceted nature of truancy. On the one hand, we recognize the immediate influence truancy has on the crime rate. Although this Department has not evaluated the impact of truancy on our crime rate in recent years, the experience of other jurisdictions clearly indicates there is a correlation between trauncy and delinquency.

At the inception of a truancy enforcement-prevention program in New Orleans, that police department estimated that vigorous participation by police in a multi-disciplinary approach to truancy could reduce daytime crime by 25%. They based this estimation on the experience of the Dallas, Texas, Police Department, which reported a similar truancy enforcement-prevention program reduced daytime burglaries by 41%.

On the other hand, we recognize the long-term implications for individual students who are truant and/or drop out of school. Without an adequate education, they face an uncertain future at best. Additionally, they are much less likely to become productive members of society.

The Metropolitan Police Department is committed to do all that it can to reduce truancy in cooperation with the D.C. Public Schools.

The earliest indication of the department's efforts in truancy enforcement is a 1936 directive concerning truancy issued by Superintendent of Police, Major Ernest W. Brown. (Major Brown was also the founder of the Metropolitan Police Boys and Girls Club, and apparently was very much concerned with the welfare of young persons in the

District of Columbia.) The police department began using truancy enforcement as a crime prevention tool in the late 1960's and early 1970's when it was determined that a concerted effort by police to pick up truants could reduce daytime residential burglaries.

Since that time, the police department's primary activity with respect to truancy has been picking up truant students and returning them to school. The student is turned over to a school official and the student's parent is notified by letter of the incident. During the last fiscal year, 1983, police picked up 5,069 truant students and returned them to school.

In addition to this, the department has developed one program specifically designed to address truancy, and several others which have an impact on truancy. I should like to take a moment to outline these programs.

At the beginning of the 1983-1984 school year, a truancy enforcement pilot project was started in the Fourth Police District in cooperation with the D.C. Public Schools. This pilot project was based, in part, on the experience of the Sixth Police District, which developed a similar approach in one school several years earlier. The Fourth District project was founded on two concepts: (1) there is a correlation between truancy and delinquency, and (2) truancy is often the consequence of an underlying problem which can be identified. These concepts were operationalized into two components of the program: "enhanced enforcement" and the "truancy hearing."

Enhanced enforcement, the first component of the program, was designed to target police truancy enforcment on "quality truants"; that is, youth required by law to attend school (those seven through fifteen years of age) and who were likely to become involved in delinquent behavior while truant. Enforcement activities were directed toward areas with high levels of daytime residential burglaries and larcenies from automobile, two offenses which appear to be truancy related.

The truancy hearing, the second part of the program, was designed to identify underlying problems which may have led to the student's truancy. A hearing could be prompted in one of two ways: (1) at the request of a school attendance officer if the student had been truant from school ten or more times during the course of a given month, or (2) if the police picked up the student for truancy five or more times during a 60-day period and the school attendance officer felt that the student's attendance record warranted a hearing. Eight junior and senior high schools in the Fourth Police District were directly involved in the pilot project; however, this did not preclude elementary schools from referring students to the program.

During the truancy hearing, the Youth Services Officer, the school attendance officer, the truant's parent, and the student discussed the student's truancy history and attempted to identify the reason for the truant behavior. If a problem was identified which required services beyond the one-on-one counseling provided by the Youth Services Officer, "indirect referrals" were made to several private agencies designed to provide services to troubled youth and their families. (Since police cannot release juvenile information to private agencies, the student or the student's family is directed to an agency for service. The agency is not contacted directly by the police.)

An evaluation of this pilot project is now underway and has not yet been completed; however, preliminary indications about the program's effectiveness are somewhat encouraging. More than 90% of the students participating in the program during the last school year were thirteen, fourteen, and fifteen years old. Among this older age group, school attendance following the truancy hearing improved for 50% of the males but for only 11% of the females. All of the younger children (twelve year old's and one nine year old) experienced improved school attendance following the truancy hearing. I anticipate that we shall continue this program as a pilot project for the first semester of the coming school year, to further refine it, before expanding the program city-wide.

Our experience with this pilot project clearly demonstrated that there are no easy solutions to truancy behavior; simply identifying the underlying reason for the truancy was often problematic.

At times the reason the student was not attending school was easy to identify and rectify. For example, one fourteen year old male student feared a fellow student and did not attend school to avoid him. Once the student was reassured that the officer assigned to his school would assist him if he encountered problems with the fellow student and the school officer was made aware of the problem, the student's attendance improved dramatically.

Other problems were more difficult to resolve. A fourteen year old female student experienced hair loss as the result of a medical condition, and did not attend school because she felt she was being ridiculed by her fellow students. In spite of the youth officer's efforts to correct this situation, her attendance did not improve.

In other situations, the underlying problem could not be identified or was not correctly identified. One fourteen year old female student explained that she did not go to school because she had to travel too far to attend the school in which she was enrolled. Although arrangements were made for her to attend a school closer to her home, her attendance did not improve.

Our experience in this area clearly demonstrated the importance for social follow-up for many of these cases. Unfortunately, at times, the ability to identify and/or resolve the student's problem was hampered by the lack of available resources.

In addition to this program, the department has several other programs which are focused, in part, on truancy prevention.

The Officer Friendly Program has been in existence since 1968, and is currently operating in all public and private elementary and junior high schools in the District of Columbia. The officers assigned to this program are trained by the D.C. Public Schools and provide instruction concerning the role of the law enforcement officer in the community and civic responsibility. A portion of the instruction on civic responsibility focuses on the student's responsibility to attend school.

Another program, the Youth Awareness Program, began in 1980 and is focused on preventing students from making inappropriate life decisions in the face of difficult socio-economic circumstances or detrimental peer pressure. The program uses a variety of strategies -- role modeling, interviews, site visits, simulations and situational analysis -- to urge the students to make better informed "life choices" about issues such as drug use, smoking, and crime. The program is jointly operated by the Metropolitan Police Department and the D.C. Public Schools in four junior and senior high schools in the District of Columbia.

A program which is still in the planning stage is sharing truancy information with the Youth Services Administration, known by its initials as "YSA." YSA is responsible for the administration of the Receiving Home for Children, Oak Hill and Cedar Knoll, as well as several community-based programs (group homes, shelter homes, and the home detention program). Their client population is juveniles who are (1) detained pending trial for a delinquent act or (2) committed by the Court following adjudication of a delinquent act.

This year, Cedar Knoll is scheduled to close. Most of its population will be transferred to a community service program. Youthful offenders in this program will remain at home and enrolled in school.

The Metropolitan Police Department and YSA agree that there is a correlation between truancy and delinquency; further, YSA has concluded that regular school attendance is an important component in a youthful offender's rehabilitation. Accordingly, the Metropolitan Police

Department has agreed to share police truancy information with YSA so that YSA will know when police have truancy-related contact with juveniles under their supervision. In order to accomplish this transfer of a large volume of information from the Youth Division to YSA, desk-top microcomputers were purchased for the Youth Division and YSA.

At present, all information gathering with respect to the Department's truancy enforcement efforts is done manually. In addition to allowing the transfer of truancy-related information, the Youth Division's microcomputer will permit the Division to improve data collection concerning truants and truants engaged in delinquent behavior.

This concludes my prepared remarks. With me today is Captain David Bostrom, the Youth Division's Assistant Commander. If you have any questions, we shall be happy to answer them for you.

CORRELATION BETWEEN TRUANCY AND DELINQUENCY

Mr. MAIDEN. You just want a summation of the problem of truancy in the District of Columbia?

Senator SPECTER. Yes; that is what I would like. The issues that I am concerned about are: How significant a problem is truancy; to what extent does it contribute to the crime cycle among those who become truants; and from a law enforcement perspective, what suggestions do you have as to how we could address it with interaction between your department and the Board of Education?

Mr. MAIDEN. The Metropolitan Police Department believes very strongly, Mr. Chairman, that there is a correlation between truancy and delinquency, although it is hard to come up with any statistics.

For instance, last year 5,069 truants were picked up by the police department. In our truancy enforcement program, we pick the truants up and return them to school. We turn them over to a school official, and we notify the parent of the truant by letter.

We have a pilot project ongoing in the fourth district where we pick out some of the most serious truants. We set up a hearing between a Youth Services officer and the truant's parent, and we refer them to outside agencies if we can identify the problem.

Again, truancy enforcement is an ongoing thing in our department.

Senator SPECTER. What efforts do you make when you identify a truant to return the truant to school?

Mr. MAIDEN. We return the truant to the school. We notify the parent of the truant.

CASE HISTORY OF A TRUANT

Senator SPECTER. Run through a specific case for me. You find a truant, for example, in a penny arcade—pardon the reference to a penny arcade; that is the old days. You find him in an amusement arcade. What do you do specifically? Give me a case example.

You find an 8-year-old child in an amusement arcade. What happens in that specific situation?

Mr. MAIDEN. We would pick the truant up, return him to the school, turning him over to a school official. We would then identify——

Senator SPECTER. You take him to his own school where he is supposed to be?

Mr. MAIDEN. Yes, sir.

Senator SPECTER. You do not take him to a police headquarters or some police station?

Mr. MAIDEN. No, sir; we return him to the school where he should be enrolled.

Senator SPECTER. And what happens to him once he is returned there, if you know?

Mr. MAIDEN. He is turned over to a school official. That ends our contact with this truant at that particular time, but as a followup we notify the truant's parent. If we can identify the underlying problem with the truant, we hold a hearing in many cases.

Senator SPECTER. What kind of a hearing is that?

Mr. MAIDEN. It is a hearing between the Youth Services officer, the truant, and the truant's parent. If there is a problem that we can identify, and if there is a social agency in the community that is geared toward addressing this particular problem, the truant or the truant's parent is referred to this agency.

Senator SPECTER. And what does the agency do?

Mr. MAIDEN. We have several agencies around town that are geared toward different specific problems. There may be an intrafamily conflict.

Senator SPECTER. How effective are those agencies?

Mr. MAIDEN. Can I refer this question to my assistant, who has been with this for 2 years?

Senator SPECTER. A time-honored procedure. [Laughter.]

POLICE DEPARTMENT'S PILOT TRUANCY PROJECT

Mr. BOSTROM. Let me say, Mr. Chairman, that the hearings that Chief Maiden spoke of are part of a pilot project in the fourth police district.

Senator SPECTER. This is Captain Bostrom speaking, for the record.

Mr. BOSTROM. Yes, sir; I am sorry.

We do not yet do that kind of hearing procedure in all police districts, but as part of the pilot project we do it. In response to your question, in terms of referrals, most of the cases that we saw were referred to what is called the PINS center. It is an interagency——

Senator SPECTER. What kind of a center?

Mr. BOSTROM. The PINS center. PINS refers to "person in need of supervision." It is a combination of private agencies and public agencies, a consortium. Most of our cases were referred to the PINS center.

MEASURING SUCCESS OF PILOT PROGRAM

Senator SPECTER. And what do they do with a specific situation?

Mr. BOSTROM. The way we measure success is whether or not the truancy continues. Among the older males, about one-half were successful.

Senator SPECTER. And how do you define an older male, someone 55 and over?

Mr. BOSTROM. 13, 14, and 15.

Senator SPECTER. 13, 14, and 15?

Mr. BOSTROM. Yes.

Senator SPECTER. What about 16?

Mr. BOSTROM. 16 is no longer compulsory school age, so we do not maintain statistics on those.

Now, with respect to the females, we were much less successful. Only 11 percent improved their attendance as a result of our hearings.

ROLE OF SCHOOL SYSTEM AND TRUANT

Senator SPECTER. Superintendent McKenzie, what happens when a truant is returned to school, to the extent that you are familiar with your specific procedures?

Mrs. MCKENZIE. Senator Specter, when a truant is returned to school, then that truant becomes the responsibility of the counseling office, which arranges a conference with the parent. In the meantime, discussions are held with that truant's teachers and all the people who come into contact with the truant to see if there is something in the school environment that might be contributing to the truancy.

Senator SPECTER. How well staffed are you on counselors for this important problem?

Mrs. MCKENZIE. We are not as well staffed as we would like to be. The Board of Education supported a request for attendance aides in each school.

Senator SPECTER. How frequently are you successful in bringing in the truant's parents for this counseling session?

Mrs. MCKENZIE. We are very successful in bringing in the parents.

Senator SPECTER. How many truants do you find who do not have parents or somebody even to come in?

Mrs. MCKENZIE. A truant generally will bring in a parent, a guardian, or a responsible adult. There are very few cases when there will be no one to come in with the student.

Senator SPECTER. What time of the day are these counseling sessions held?

Mrs. MCKENZIE. Most of them are held during the school day, but some are held even in the evening.

Senator SPECTER. It is pretty hard to get some parents in, especially fathers and working mothers, during the day, and I suppose it would be pretty hard to keep your counselors at night, given the limitation on budget.

Mrs. McKenzie. Right. One of the reasons why we have gone to attendance aides—and we still have a number of attendance offices—is we do make home visits.

Senator Specter. To what extent do you have personnel and resources to do that?

Mrs. McKenzie. We have 49 attendance aides in our secondary schools, so we are able to make some home visits.

Senator Specter. Some home visits?

Mrs. McKenzie. Yes; we do not lean on all of our visits at home, but when we have a case where we cannot get the parent in the school for some reason, we do make home visits.

RELATIONSHIP OF TRUANCY AND CRIME

Senator Specter. Superintendent McKenzie, do you share my view—not to ask you too much of a leading question—do you share my view of the seriousness of truancy both as it relates to the educational process where you are the expert, and also as it relates to the incipient criminal problems?

Mrs. McKenzie. Exactly. We are very much concerned about attendance and truancy. We do not feel that we can deliver the instructional program unless the student is there, and that is one of the reasons why attendance and truancy has been one of our most important efforts over the last 2 years.

Senator Specter. Captain Bostrom, we have heard Deputy Chief Maiden's views. Do you share the concern that truancy is a significant causal factor in juvenile delinquency and later adult crime?

Mr. Bostrom. Yes; I do, very much. When I was in the fourth police district as a sergeant, our commanding officer as a matter of routine asked that his crime analysis officer provide him with statistics. They tried to draw correlations between truancy enforcement and daytime burglaries.

They found that whenever you stepped up truancy enforcement in a specific area, you would see a reduction in daytime burglaries. So, very clearly, there is a correlation between the two.

ADDRESSING PROBLEM OF TRUANCY AND CRIME

Senator Specter. Reverend Eaton and Superintendent McKenzie, my own sense is that if you had to pick one central problem which is the key problem, it would be the problem of truancy, from what I have seen, both as it relates to the educational process and as it relates to the problem of delinquency and later criminal patterns.

I would be very much interested in what the Board of Education thinks it might do because I believe the answer lies with the Board of Education as opposed to the police department. I do not think it is a police issue. By the time it becomes a police issue, it is pretty well lost.

I would be very much interested in your thinking as to how this problem could be addressed in a systematic, comprehensive and effective way. And while I am concerned with all of your problems, as I have indicated, and want to see the supplements as to what you would need on the lines we have discussed—physical facilities and plant—I would be especially interested and would request that you give me your thinking as to what you could do on this truancy problem if you had additional funding, because if we were to pick out one problem which I think, as I say, is the most significant and might receive special receptivity by this committee and the Appropriations Committees in the Senate and the House, I think this would be it.

Reverend EATON. Thank you very much. Let me for the record say that we have also been joined by another one of our board members, Mr. Bob Boyd, who has just come in since we started.

First, I want to separate my particular view and then I will give you my view as the president. It is not a conflict. I think one of these days I would hope to find, which I have shared with my colleagues and the superintendent, the resources and the type of motivation, even if it has to be a city law, where once a year we have the resources to sit down with every parent that has a child in the school system—parent or guardian—and have an orientation about how the home and the school can work together in educating the child.

I say that because as you know, we have laws that say that you have to get various shots and you have to get smallpox vaccine and all of these vaccines before you can come to school.

But I do not think we have the type of cultural milieu in the country in general and in the District of Columbia as well, because we are part of the country, that puts the high emphasis on education as we once had in this country. So within that type of purview, I will have my remarks.

More attendance aides are needed so they can keep in direct contact with the parents when this happens, and a followthrough. If you notice from the reports, when a child is picked as a truant they are returned to the school. The counselors, who are overworked—what is the counseling ratio now in our schools?

Mr. KINLOW. One to 350.

Reverend EATON. It is something like one counselor to 350 students.

Senator SPECTER. Well, if you have that kind of a counseling-student ratio, there is realistically not much you can do.

Reverend EATON. That is what I am saying.

Senator SPECTER. When I listen to the statistics that the captain gives about 11 percent of the truant young women responding to a truancy program, that is a shocking and alarming statistic.

And what age group are these, captain?

Mr. BOSTROM. These would be 13-, 14-, and 15-year-olds.

CORRELATION BETWEEN TRUANCY AND PROSTITUTION

Senator SPECTER. What is the correlation between truancy and prostitution?

Reverend EATON. Probably very high.

Mr. BOSTROM. We have not tried to draw any——

Senator SPECTER. Excuse me?

Mr. BOSTROM. We have not tried to draw that kind of a correlation, because generally prostitution occurs at night and truancy occurs during the day.

Senator SPECTER. I do not think you are right about that, captain. I do not disagree with the part about truancy occurring during the day, but I do not agree with the part about prostitution occurring only at night. I think that to the extent it is true, if there is prostitution at night these young women are not able to get up and go to school during the day. They have to divide their 24 hours somehow.

Do you think, Reverend Eaton, that there is a high correlation between truancy and prostitution?

Reverend EATON. I think your example in some instances about not being able to get up in the morning may be quite valid. But let me simply say before I ask the superintendent to respond to this that our truancy rate is higher than we would like it, but it is not what we call outrageous.

ATTENDANCE RATES

If I can recall, in our primary schools we have, what is it, 94 or 96 percent of the students who are in school?

Mrs. MCKENZIE. About 94 percent.

Reverend EATON. About 94 percent in elementary schools are in school, and in secondary it is about——

Mrs. MCKENZIE. 98 percent in junior high schools and 84 percent in senior high schools.

Reverend EATON. For those who are not in school, we have shown that one-half of them have a legitimate reason for being home. So we are not talking about a very high percent, but a percent that we are interested in. We are not into the catastrophe situation as in some cities.

Senator SPECTER. But as you articulate those statistics, there is a turnover. A truant is not a truant every day.

Reverend EATON. No.

Senator SPECTER. A truant is a truant some days. So if you have, what, 82 percent in high school?

Mrs. MCKENZIE. 84 percent.

Senator SPECTER. So 16 percent truants?

Mrs. MCKENZIE. 16 percent daily absenteeism rate.

Senator SPECTER. And if you say, of the 16 percent, one-half have——

Mrs. MCKENZIE. One-half are really truants; the others are probably legitimate absences.

SCHOOL PROGRAMS TO COMBAT TRUANCY

Senator SPECTER. Well, Superintendent McKenzie, when you get an explanation, unless you can disprove it you have to give it legitimate status.

Well, how big a problem do you think truancy is?

Mrs. MCKENZIE. I think it is a big problem. Every year, according to the statistics, we have made improvement. We are up to 89.5 percent attendance, but it is a problem as long as they are truants. They are not learning.

So I am not going to say that there is not a problem, but I am saying very clearly that we have been working very hard on that problem, not only using our counseling staff, but using volunteers and parents.

We have a program where parents call other parents during the day to let them know, on their jobs or at home, if their children are not in school. That program is in 30 schools. So it is not a fact that we have not been working very diligently on this problem.

We even have a month recognized as Attendance Month. Annually, we give awards based on attendance not only as a system, but each individual school is working on that problem.

Senator SPECTER. Superintendent McKenzie, I am not suggesting at all that you are not working on the problem.

Mrs. MCKENZIE. Yes.

Senator SPECTER. And I am not selecting your school board as a problem school board. Your school board is the only one I deal with, and I am concerned about this as a D.C. problem and as a national problem.

Mrs. MCKENZIE. Yes.

Senator SPECTER. But if you say that 84 percent of the students are in high school, so that there are 16 percent out, and you pick a given day, there have to be students who are truants on other days. And I know it is very hard to quantify and if you start to put a statistic on it——

Mrs. MCKENZIE. There are chronic truants and then there are sporadic truants.

Senator SPECTER. Yes; you cannot quantify it. I think what we have to do is use our judgment, and there is a lot of judgment at this witness table and in this room. And if you say it is a big problem, I do not think you can say anything more about it.

If you identify, as you already have, that it is a major disability in the learning cycle, and that once you become a truant it is a major contributor on the delinquency cycle and the crime cycle, it sticks out like a sore thumb that we ought to try to do more.

And I repeat, I understand what you have been doing and I think that there is great professionalism and great diligence on the Board of Education. I say that at a threshold. But from what I hear, it is a big problem. And when I hear a statistic which surprised me—the 11-percent statistic on young women who respond to counseling—that is very significant because when you deal with 12- and 13-year-old young women, there could not be a more critical time in their lives.

That leads to prostitution, to teenage pregnancies, and to really ruining the lives of the young women, or the young men in comparable circumstances.

WORKING RELATIONSHIP WITH POLICE DEPARTMENT

Mrs. McKenzie. I would only like to indicate that we are working more closely with the Metropolitan Police Department than we ever have. The statistics given by the captain are his responses to the cases, but with respect to the fourth district project on the hearings with parents, we are involved. We are also involved with the first district on a program, so his statistics would show a response of a certain type and ours would show another response.

But the fact is that we are getting tremendous cooperation from the police department in support of trying to cut down on truancy, and I want to indicate to the Senator that fact and how much we appreciate the cooperative relationship.

Senator Specter. Well, thank you very much, ladies and gentlemen. Reverend Eaton, is there anything you would like to call to our attention in closing, or Superintendent McKenzie?

Reverend Eaton. I would just like to say, Senator Specter, that we certainly appreciate your support and you have certainly, through either your intuition or otherwise, discovered the problems that we are wrestling with, and we appreciate that. We will continue to wrestle with them.

Senator Specter. I consider your work very, very important.

Reverend Eaton. Thank you.

Senator Specter. And to the extent that this subcommittee can be of assistance to you, we want to do just that.

[Clerk's Note.—Subsequent to the hearing the following information was received:]

What Could Be Done to Systematically Address the Truancy Problem With Additional Funding

The District of Columbia Public Schools (DCPS) is currently involved in a number of efforts to combat truancy and improve attendance in our schools. These efforts are aimed at reducing the number of children who drop out before completing high school. If additional financial resources are made available, an extensive systematic program could be launched that would enhance existing effort and greatly reduce truancy, and improve student attendance.

The proposed new thrust will require that we immediately take the following three steps: (1) Purchase automatic calling equipment to immediately alert parents when their children are absent from school; (2) the hiring of five school social workers to increase coordination between home, school, and community resources; and (3) that DCPS hire and place an additional guidance counselor in each secondary school. Also, DCPS would like to begin planning a comprehensive Truancy Drop-Out Prevention Center and a Truancy Pickup Center. The new effort would not eliminate the many efforts already underway; however, it would provide better coordination of school system and city resources, earlier intervention with problem children, and a more intensed response to truancy on the part of DCPS.

FISCAL YEAR 1985 BUDGET REQUESTED

Guidance counselors (19)	$602,471
Social workers (5)	158,545
Automatic calling machines (47)	352,000
Planning for truancy centers	30,000
Parent workshops	3,600
Total budget request	1,146,616

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you all very much, and the hearing is concluded.

[Whereupon, at 11:10 a.m., Wednesday, June 20, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, July 25.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, JULY 25, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., in room SD-124, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

CONGRESSIONAL WITNESS

STATEMENT OF HON. CHARLES E. GRASSLEY, U.S. SENATOR FROM IOWA

ANDREI SAKHAROV AVENUE

Senator SPECTER. Good morning, ladies and gentlemen. The District of Columbia Subcommittee of the Appropriations Committee will come to order.

This morning we will hear testimony on the subject of changing the name of the block of 16th Street between L and M Streets for Soviet dissident Andrei Sakharov. This matter had been raised at a previous hearing on very short notice when Senator Grassley and Senator Moynihan wished to testify about the subject. We took testimony briefly at that time as an adjunct to another hearing which had been scheduled. And in advance of the markup of the District of Columbia Subcommittee appropriations bill, which is scheduled for later this week, the subcommittee thought it appropriate to proceed to have another hearing on this subject. We shall proceed at this time.

I note my distinguished colleague from Iowa has just entered the room. Welcome, Senator Grassley. We invite you to join us on the subcommittee.

Senator GRASSLEY. I cannot stay. I just wanted to come to encourage you.

Senator SPECTER. If your schedule permits you to be here, we are glad to have you here, as always. We will proceed with the testimony and will be glad to hear from you on an opening statement.

STATEMENT OF SENATOR GRASSLEY

Senator GRASSLEY. I have already testified. I would think that I was very thrilled in my opening statement a month ago when at that time I thanked you very much for your entertaining of the thought behind the amendment. Even today your further hearing on it is evidence of your open minded approach to it. I still, 2 months after the original thought of introduction, am very much behind it as I was then. In fact, seeing how the situation for information on Mr. Sakharov has deteriorated even further, there are even more questions, all the more reason for public attention brought this way to this plight.

I want to thank you for these hearings you have today and the outstanding witnesses that you have to present further testimony.

As I said, I will not be able to be with you because of some information meetings on the Civil Rights Act of 1984 that I have to attend and some other things. But let me assure you that, if the chairman has any doubts about the legislation, any concerns that I can give further rationale for, further understanding of, as we have approached them, that I am standing and waiting and willing to do that as you consider it. I do hope that you will, as a result of the testimony today, feel the weight of evidence so heavy that you will report it out favorably. Thank you.

Senator SPECTER. It is nice to have you here, Senator Grassley. We shall give careful consideration to all the matters which you have raised for us.

Representative Levitas is not yet with us, so we will proceed at this time to Pauline A. Schneider, Director of Intergovernmental Relations for the District of Columbia. Welcome, it is nice to have you here.

Ms. SCHNEIDER. Thank you.

Senator SPECTER. We look forward to your testimony.

DISTRICT OF COLUMBIA

OFFICE OF INTERGOVERNMENTAL RELATIONS

STATEMENT OF PAULINE A. SCHNEIDER, DIRECTOR

OPPOSITION TO LEGISLATION

Ms. SCHNEIDER. Good morning, Senator Specter. I am delighted to be here with you this morning. I appreciate this opportunity to offer the District of Columbia's views on legislation renaming a portion of 16th Street, NW., as Andrei Sakharov Avenue. Such honorary street naming is one of the several legislative approaches that the Congress has recently proposed to drive home to the Soviet Union the seriousness with which our country views the plight of nobel laureate Andrei Sakharov and his wife, Yelena Bonner.

Senator Grassley has introduced two bills, one requiring that the District designate a portion of 16th Street, NW., as Andrei Sakharov Avenue, and the other expressing the sense of the Congress that the District undertake such action and that portions of any street in any other city in the United States with Soviet diplomatic offices rename their streets as well. Congressman Levitas has introduced similar bills in the House of Representatives.

On June 29, the House of Representatives considered and unanimously passed House Concurrent Resolution 332. I understand the Senate also passed that resolution yesterday by a vote of 93 to 0. That measure expressed the sense of Congress that the Soviet Union should provide certain information about Dr. Sakharov and his wife to signatories of the Helsinki agreement and urged the President to protest to the Soviet Government the world's lack of knowledge about the Sakharovs. The Senate considered that bill on the floor before the Fourth of July recess and approved it yesterday.

Although the District is extremely aware of and sympathetic to the symbolic nature of such street renaming, we must respectfully oppose the legislation.

To begin with, we are doubtful that such honorary renaming of a street would have any effect on the Soviet Union. Furthermore, it is entirely possible that such an ad hoc action may be counterproductive and might even harden Soviet attitudes and actions.

We are concerned also that Washington is singled out as the only U.S. site that would be required by law to make the name change. The other Soviet consular office in the United States is in San Francisco, for example, and that city would not be mandated by Federal law to change its street name. We believe that this is largely the result of the

District of Columbia's continuing status as neither fish nor fowl. On the one hand, we are expected to be independent and financially self-sufficient like any other city or State, but on the other we must respond to unique pressures and circumstances as a capital city under control of the Congress and the Executive.

Last, and most important, the District, partially as a result of the Congress' implicit historical concerns that we would use honorary renaming authority too liberally, operates under a self-imposed rule requiring that public places, including streets, be named in honor of persons only after they have been deceased for at least 2 years.

LAW REGARDING THE NAMING OF DISTRICT STREETS

Senator Specter. What is the origin of that rule, Ms. Schneider?

Ms. Schneider. As I understand it, at the time of the debate on the Home Rule Act, there was some concern that the city might jump to——

Senator Specter. Is that an ordnance in the city?

Ms. Schneider. The Home Rule Act?

Senator Specter. No, no. The provision—is there a written statutory provision limiting renaming until a person has been dead for 2 years?

Ms. Schneider. Yes; there is.

Senator Specter. Where does that appear, in what document?

Ms. Schneider. It is in the District of Columbia Code, 7–455.

Senator Specter. As a matter of law, may the Congress legislate in contravention of that code?

Ms. Schneider. As you know, Congress has plenary authority with respect to the District of Columbia——

Senator Specter. And plenary authority with respect to the United States of America.

Ms. Schneider. That is correct.

Senator Specter. Except as it conflicts with the Constitution.

Ms. Schneider. That is correct.

The District has on several occasions withstood local pressure to break this rule.

REQUIREMENTS OF GRID AND NONGRID STREETS

In addition, our law requires that grid streets, our north-south streets, be designated by numerical designations. Only nongrid streets can be named after individuals or events.

Senator Specter. Is 16th a grid or nongrid?

Ms. Schneider. It would be a grid street. It is a north-south street.

Senator Specter. So, it may not be?

Ms. Schneider. That is correct, under the District of Columbia law.

That would also apply to Wisconsin Ave., which is the future site, I understand, for the Russian embassy.

On other occasions, we have, in accordance with the law's 2-year waiting period, considered legislation renaming public places. Only recently, Council Chairman David Clarke introduced a bill, at Senator Hollings' request, to rename a span of the 14th Street Bridge to honor Arland Williams, Jr., who gave his life to save others during the Air Florida crash.

DISTRICT'S NONSUPPORT OF RENAMING STREET

In summary, the District of Columbia must respectfully decline to support the several bills requiring renaming 16th Street. We hope the Congress will understand and respect our commitment to stand by the law we have enacted, partially at your behest, and have lived by since 1977. As an alternative, we hope that the Congress will continue consideration of measures such as House Concurrent Resolution 332, to achieve the desired results: The freedom of Dr. Sakharov and his wife, or at least to receive reliable information on their current status.

Like the rest of the free world, the District of Columbia anxiously awaits a successful conclusion to the Sakharov's plight.

I would be happy to take any questions you might have.

Senator SPECTER. Thank you very much. We appreciate your being here. I understand your position. The questions that come to mind I have already asked. So, thank you very much.

Ms. SCHNEIDER. Thank you.

Senator SPECTER. I note that Congressman Levitas has just arrived at the hearing. We would be pleased to hear you now, Congressman Levitas. We welcome you here. Thank you for making the long journey from the other side of Capitol Hill. It is a pleasure for me personally to see Congressman Levitas here. We have worked together on a number of matters both national and international. He is a distinguished student of issues related to the subject matter which is before this subcommittee at the moment. We are pleased to hear from you.

Mr. LEVITAS. Thank you very much, Mr. Chairman. I apologize in advance for the summer cold that I seem to have picked up.

CONGRESSIONAL WITNESS

STATEMENT OF HON. ELLIOTT H. LEVITAS, U.S. REPRESENTATIVE FROM GEORGIA

Mr. LEVITAS. I am grateful not only for the opportunity to appear but for the fact that your subcommittee is holding hearings on this, what I think very important issue. It is symbolic, but symbols and symbolism frequently have great substantive value.

My testimony, which is written, I would request be made part of your record.

PREPARED STATEMENT

Senator SPECTER. Without objection, it will be made part of the record in full. You may proceed however you choose.

[The statement follows:]

STATEMENT OF REPRESENTATIVE ELLIOTT H. LEVITAS

Mr. Chairman and Members of this Subcommittee, I appreciate having this opportunity to appear before you today to discuss adding a provision to the District of Columbia Appropriations Bill to change the name of the street in front of the Soviet Embassy to Andrei Sakharov Avenue.

Andrei Sakharov, perhaps more than any other person, embodies and symbolizes human rights -- not only for oppressed people of the Soviet Union, but for people all around the world. Why do we make this statement about this Soviet physicist, this man who is perhaps the man most responsible for the development of the Soviet hydrogen bomb? Because this Soviet citizen, this scientist who has been decorated three times with the Order of Lenin, who holds a Stalin prize and who won the Nobel Peace Prize, has chosen to speak out within the Soviet Union for human rights, for educational reform, for intellectual freedom, and against the return to Stalinism. When others chose to remain silent about the abuses of society in the Soviet Union, Sakharov spoke out. Now Sakharov is being mistreated by the Soviet Government. He was exiled to Gorky in 1980 because of his outspoken dissidence. His wife, Yelena Bonner, is going blind and is being denied medical treatment of her choice. He has been on a hunger strike since early May to allow Mrs. Bonner to go abroad for proper treatment. And now, we hear news of a harsher punishment being handed down by the Soviet authorities. Reports from different sources say that Sakharov is being held in a hospital in Gorky, where he is being force-fed and given mind-altering drugs to break his spirit. Now Sakharov needs someone to speak out for him.

Why should the U.S. react in this particular way to the Sakharov's plight? Because there are many ways that you can perform. Sometimes you have to play a harp, sometimes you play a flute, sometimes you beat a drum -- and now I think we need to beat a drum. It is important to remember that it would be hypocritical for the Soviets to take offense at our legislation. Afterall, they have decorated Andrei Sakharov themselves with the highest awards they can offer. We should recognize Andrei Sakharov's achievement and accomplishments to at least [illegible] same degree as the Soviet Union itself has.

Other dissidents such as Orlov and Shcharansky have been put on trial and imprisoned for the same charges but the Soviet authorities were so concerned about the prestige and affection in which Mr. Sakharov was held that they exiled Sakharov and his wife to Gorky to avoid public outrage. The Soviet Union has reacted to international concern about the Sakharovs. They have sent us a telegram to assure us of the Sakharovs' safety and health. We, of course, must consider the source of this news before attaching credibility to these reports.

If indeed the Soviet leadership has now made a decision to permit Sakharov to die, then they have crossed a Rubicon. There is nothing -- not even world opinion -- that will have any impact on them. I think such a decision would represent an incredible change in the attitude of the Soviet Union about East-West relations. And, I must believe that they do it only on the assumption that the West will react to this travesty as we have for so many others, and that is to forget. After a period of outpouring and protest and indignation, and after demonstrations and petitions, we will go on to the next item on our agenda and forget. Whether it was the military action against the people of Czechloslovakia, whether it was the invasion of Afganistan, or the murder of 259 innocent civilian passengers on the Korean Airline flight, they assume that we will once again forget. As Anthony Lewis stated in the New York Times, "What can we do? As ordinary citizens, and in our professional and other organizations, we can do one thing above all: make clear to the Soviet Union that we are not going to forget Andrei Sakharov. On every possible occasion we should be asking where he is, calling for his freedom. Soviet officials may assume that the world will soon forget his persecution. It must not."

This legislation is to ensure that we will not forget -- that the streets in front of the Soviet Embassies around the world, including here in Washington, will be named in honor and tribute to Andrei Sakharov. This legislation will ensure that when diplomats go to their posts each day they will be reminded of Sakharov, when they receive their mail each day, when directions are given, and people look at maps, both the Soviets and we will be reminded. We will both remember Andrei Sakharov and what he has done for human rights and the Soviet people, and what the Soviet Government has done to him.

Although this legislation will not require the District of Columbia to change their street signs, I would hope and expect that they would do so. We must take some bold action, as Valentin Turchin pointed out in the following article. He said "...of two equally strong, it is the bolder who wins. If this is recognized, and the West's response is adequate, then maybe not all is yet lost to Andrei and Yelena Sakharov."

MOSCOW AND ITS SAKHAROV PROBLEM

[By Valentin Turchin, the Washington Post]

Knowing Andrei Sakharov well, I am sure that if he is alive, he is making desperate efforts to send a message about his condition. The fact that this message does not get through tells a lot about his condition: more than the recent rumors about a psychiatrist visiting him, whether they are true or not.

For all we know, Sakharov may be dead. Should he have died as the result of his hunger strike and heart malfunction, the Soviet behavior would have been exactly as that which we observe now. They would have concealed the fact in order "to foil the vicious schemes of the enemies of peace and socialism." Facts do not matter in Soviet theory and practice. Stalin died on March 1, 1953, but his official date of death is March 5.

"But you cannot conceal Sakharov's death indefinitely," an American will say. No, you cannot, but they can. Why not? From time to time, a Soviet official will assure the West that the Sakharovs are alive and well, so that there are no reasons to postpone visits or boycott exchanges.

As to why nobody is allowed to see Sakharov, the answer will always be what it is now: it is not in the interests of peace and international stability. Sooner or later people will get used to this situation. Public figures will triumphantly go to Moscow championing peace and understanding between nations, and will sign agreements on cooperation. Writers will declare that Sakharov's condition is mostly Ronald Reagan's fault. In 10 or 20 years, a short statement will be issued that Andrei Sakharov died of old age.

If Sakharov is alive, one thing becomes certain from the flat refusal by the Soviets to allow him to be seen or to send a message: they have treated him (or his wife, or both) in such a way that they do not want it to be known. This means that no free human being may ever see him. Then the only uncertainty we have about Sakharov's fate is whether his punishment is a death sentence or a life imprisonment incommunicado. The cruelty of this act defies imagination.

We see here the Soviet method of solving problems. If they announced publicly that Sakharov is executed or imprisoned for life, there would have been a public outcry in the West, which they did not want. Now they have done essentially the same, and there is no outcry to speak of. There is no response adequate to the challenge.

With all the staleness and helplessness of official Soviet theory, their practices are bold and innovative. Who could foresee the invasion of Afghanistan? Who could foresee the way the Soviets solved the Solidarity problem in Poland? Who could foresee this latest solution of the Sakharov problem?

The students of behavior, both animal behavior and human, know of the following fundamental law: of two equally bold, the stronger wins; of two equally strong, the bolder wins. The West and the East may be equally strong, but it is not our side that is bolder.

A bold response to the effective killing by the Soviets of the Nobel Peace laureate Andrei Sakharov would be, first of all, to recognize the Soviet action as such a killing; second, to reconsider the whole concept of East-West relations. Governmental communications on security matters, including attempts toward a fair disarmament, should, of course, go on unimpeded. On the technical level, there should be probably even intensified efforts to prevent accidents, which are undesirable for both sides.

But it is high time to stop selling the proverbial rope with which to hang ourselves. Those who violate all norms should not be treated normally. The abnormality of the Soviet regime should be taken as the premise of all related decisions.

Watching the bold style in which the Soviet leaders are solving their problems, one should remember that their biggest problem is the existence of free countries. And again, of two equally strong, it is the bolder who wins. If this is recognized, and the West's response is adequate, then maybe not all is yet lost to Andrei and Yelena Sakharov.

The writer, who emigrated from the Soviet Union, is a professor of computer science at City College of New York.

REASONS FOR RECOGNIZING ANDREI SAKHAROV

Mr. LEVITAS. The reason this is so important, it seems to me, is that Andrei Sakharov occupies a unique position in the worldwide struggle for civil rights. If you could conceive for a moment of one individual in the United States who is a composite of Albert Einstein and Martin Luther King, Jr., you would have some picture of the role that Dr. Sakharov plays in the Soviet Union. He is not just another important activist in the human rights movement. He is a person who is almost revered and perhaps is revered, in the real sense of the word, by millions of people in the Soviet Union and throughout the world.

He was the foremost scientist in the Soviet Union. He played a key role, as you know, in the development of their atomic program. And then in later years he became very much interested in the whole human rights problem and was one of the organizers and founders of the Helsinki Monitoring Group. Because of his outspoken dissidence and support for human rights consistent with the Helsinki Final Act, he was ultimately banished to the closed city of Gorky. Assuming he is still alive, he has been the subject of much psychological, emotional, and perhaps physical pain and today may even be subjected, if he is still alive, to the horrible consequences of drug torture to affect his brilliant mind.

When you stop to think again of the significance of Dr. Sakharov and what he represents, it is unique. The present president of the Soviet Union, Mr. Chernenko, who has labored long in the vineyards of his party and for his government, has received its highest honors, the Order of Lenin. Now, when you receive these various gradations of awards in the Soviet Union, it carries with it certain perks, the opportunity to have statues built for you, other emoluments and opportunities. The highest one that you can get is this Order of Lenin. Mr. Chernenko has in fact received two Orders of Lenin. Andrei Sakharov has received three. That gives some picture of the significance that this great man holds within the Soviet Union and has become for people around the world the No. 1 embodiment, human symbol of the struggle for human rights.

As a result of his prominence and preeminence, he is now being subjected to, if he is still alive, cruelties that are truly barbaric. And his wife, Ms. Bonner, is being denied something that is again guaranteed under the Helsinki Final Act, the right to leave that country and seek medical attention of her choice.

This act of naming the street in front of the Soviet Embassy for Andrei Sakharov is very important because the whole modus operandi of the Soviet Union, whether it is an invasion of Afghanistan or whether it is the suppression of the Helsinki Monitoring Group or whether it is the role that was played before the imposition of martial law in Poland, is to take these brutal acts, have an outcry, whether it is a grain embargo or an Olympics boycott, or what have you, knowing full well that the West will soon forget and go on to another subject, and it will be simply an unpleasant memory which is reminded to us from time to time on anniversaries and by a few small people who are vitally interested in the subject.

It is a matter of concern, I think, that they are operating on the assumption that, whatever happens to Dr. Sakharov will soon be forgotten unless, of course, he is put on trial and executed, which I doubt they will do for the reasons I have already indicated.

Now, how can we assure that neither we nor the Soviet Union forget Andrei Sakharov? How can we make certain in a way that does not involve violence or force but is effective? And that is by making it a constant reminder to the Soviets that we remember him and they do, too. By naming the street in front of the Soviet Embassy Andrei Sakharov Avenue, we will assure that every time their diplomatic personnel, including their ambassador, go to work, they will turn right or left on Andrei Sakharov Avenue. When they receive their mail, it will be addressed to Andrei Sakharov Avenue. When people seek directions or a taxi is directed to the Soviet Embassy or the maps that are made of the city of Washington or other places where this action is taken, Andrei Sakharov's name will be called to the attention not only of those who go there or send mail there but for those who work there.

I think it is very important. I for one to believe that we need in this world to maintain and develop better relations with the Soviet Union. I am not simply saying we should write this off and move into an even more severe era of cold war. But I am saying that in dealing with the Soviet Union they have got to know certain things. They have got to know certain things about our military capability. They have got to know certain things about what we consider is important such as human rights, such as Andrei Sakharov. And this measure, I think, is one that is admittedly symbolic and one that can be effective.

The legislation I have introduced in the House of Representatives and which has a number of cosponsors is legislation which carefully does not mandate the District of Columbia to take this action. It directs the Federal maps, references, post office addresses, and so forth, to be changed. And it acts as an admonition or a suggestion to the District to take appropriate action on their own. I am told that they have some law which would prohibit the naming of a street after a living person, assuming Dr. Sakharov is still living.

PROPOSAL OF CONGRESSMAN LEVITAS

Senator SPECTER. Congressman Levitas, how does the substance of your law really differ from the renaming of a street? If you change the name of it on Federal maps, are you suggesting that you would not change the name of it physically on the street sign?

Mr. LEVITAS. That would be the effect of this. I would hope the District of Columbia would take that action.

Senator SPECTER. But the law that you have proposed does not require the physical changing of the street sign?

Mr. LEVITAS. No, sir, because, Mr. Chairman, I respect the concept of home rule in this regard. And I would not want to legislate this. I would hope that the District would be responsive.

Senator SPECTER. What would the mailman look for on the letters? Would the accurate name for Federal mail purposes be Sakharov Avenue?

Mr. LEVITAS. It would be Sakharov Avenue for Federal mail purposes.

And the Post Office Department—assuming that the District did not take action to change their law to make an exception in this exceptional case, I have no doubt that the Post Office could advise the postmen that for purposes of looking at street signs the portion of 16th Street between L and M is known as Andrei Sakharov Avenue. I do not think that is a monumental problem, even for the Post Office, to deal with.

Senator SPECTER. And you think that it gives proper accord to home rule?

Mr. LEVITAS. I do, because we could have, and even considered, a mandatory name change. I do not think that is necessary, and I do not think it is appropriate.

PROPOSAL TO CHANGE MAPS AND POSTAL ADDRESS

Senator SPECTER. So, your proposal is to change the maps, the Federal maps, and what else?

Mr. LEVITAS. Federal maps, designation for postal purposes, and any Federal involvement with that designation would be, reference would be made to Andrei Sakharov Avenue. I sincerely believe, Senator, that the District of Columbia will follow the lead of New York City, for example, which has taken some action along these lines. And, hopefully, we expect that some European countries will do the same thing and respond. Laws such as the one that would now prohibit that in the District are made to be amended and changed. Rules exist for exceptions being made to them. This is an exceptional case.

I have every confidence that this city, this District, in response to what this symbolizes will do what is appropriate, and this is change the name themselves.

OTHER AREAS WITH MAIL DESIGNATIONS DIFFERENT THAN STREET NAME

Senator SPECTER. Do you know of any other circumstance where for Federal mail purposes a street name is different from that which has been assigned to it by the city which has control over the naming of streets?

Mr. LEVITAS. I have no awareness of that. I do know that on some occasions, when we designate or name Federal buildings or U.S. post offices or other facilities like that, that those facilities frequently retain their old or former names in local directories and in local maps. And they are designated as such for Federal purposes. But that is not the same as the redesignation of a street.

Senator SPECTER. You cite a circumstance where they just have failed to keep up, as opposed to—well, old directories just simply have failed to keep up, as opposed to a deliberately different name.

Mr. LEVITAS. No; I think there are some instances, Senator, where old names of buildings had taken on such an important role in the community and some Member of Congress, a Senator or Representative, who was interested in getting the building named for a former colleague, that on some occasions those buildings are still known by and designated on local maps by their old name.

But I do not cite that as a precedent.

I would be amazed that, given the language which is in the District of Columbia Appropriations Committee report that the House has already passed, which Congressman Dixon and Congressman Conte played a major role in, given appropriate action by——

LANGUAGE IN HOUSE REPORT

Senator SPECTER. What does that language provide?

Mr. LEVITAS. It is report language that urges the District of Columbia to rename the portion of 16th Street between L and M Streets Andrei Sakharov Avenue. And the——

Senator SPECTER. But that does not go as far as you want to go?

Mr. LEVITAS. No; if the District responds to that, it would be.

Senator SPECTER. Well, you want to rename the maps. The House report language says the committee also recommends that necessary changes be made to any law, regulation, map, document, or other record of the United States or the District of Columbia.

Mr. LEVITAS. Mine does that, except it does not include the District of Columbia.

Senator SPECTER. But this language is ambiguous on its face as to whether the committee recommendations for changes in the map is mandated whether or not the District of Columbia redesignates the name.

Mr. LEVITAS. This is a D.C. appropriations bill. Therefore, it is dealing solely with the District of Columbia.

Senator SPECTER. Yes.

Mr. LEVITAS. I do not think the House Appropriations Subcommittee really could get into the broader subject of designating maps in that way. But their recommendation is to the government of the District of Columbia to designate the portion of 16th Street, Northwest, as "Andrei Sakharov Avenue." It would follow from that the recommendation that any necessary maps, and so forth, be changed.

Senator SPECTER. But the changing the maps then would follow if, as, and when the District of Columbia redesignates the name of the street.

Mr. LEVITAS. That is the position taken, as I read the appropriations report.

Senator SPECTER. But the bill you have introduced would require the change of the maps and for Federal postal purposes whether or not the District of Columbia changes the name?

Mr. LEVITAS. That is correct, because I did not wish to mandate that change on the District in the expectation and, frankly, it would be an utter disbelief if there was not an appropriate response by the District government to a matter as important as this.

IMAGINATIVE APPROACH OF CONGRESSMAN LEVITAS

Senator SPECTER. Well, your approach is imaginative, as usual, and profound and interesting.

Mr. LEVITAS. Thank you, Senator.

Senator SPECTER. It is nice to have your thoughts.

Mr. LEVITAS. I appreciate your courtesy.

I just want to leave you with this comment. I have attached to my testimony an article: "Moscow and Its Sakharov Problem," what they are doing is precisely according to what I have said they are going to do. They want us to forget about it. Something has to be done for the Sakharov family, for Andrei Sakharov, and for the people of the world who care about human rights if we are not to let the Soviets succeed in this regard.

Thank you very much.

Senator SPECTER. Thank you very much, Congressman Levitas.

COUNCIL OF THE DISTRICT OF COLUMBIA

STATEMENT OF DAVID A. CLARKE, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA; PRESENTED BY RICHARD W. CLARK.

Senator SPECTER. Now I would like to call on Mr. Dick Clark, executive assistant to the Chairman of the District Council.

Welcome, Mr. Clark. We appreciate your being here.

Do you have a prepared statement?

Mr. CLARK. Yes, I do.

Senator SPECTER. Would you submit that to us, please?

To the extent that you can summarize it, Mr. Clark, we would appreciate it.

PREPARED STATEMENT

Without objection, the full statement will, in accordance with our practice, be made a part of the record.

[The statement follows:]

STATEMENT OF RICHARD W. CLARK

Mr. Chairman and members of the Subcommittee on District of Columbia Appropriations. I am Richard W. Clark , Executive Assistant to David A. Clarke, Chairman of the Council of the District of Columbia. I am here to testify against the proposal to make an exception to the District of Columbia law which prohibits the naming of public spaces in honor of any living person and, with the exception of specified categories of public officials, in honor of any person who has not been deceased for at least two years.

The proposal before the Committee is to rename a street, or more precisely, a portion of a street within the jurisdiction of the District of Columbia government in honor of Mr. Andrei Sakhrov, the Soviet physicist whose cause is well-known to most of us and whose well-being is likewise a major worldwide concern. My opposition to the proposal to rename 16th Street, N.W., between L and M Streets is not at all based upon the cause or the motives which are represented by the proposal. Rather it is based on policy, and adminstrative concerns raised by the street renaming proposal, and on the history of the existing public space naming legislation. I should note that in the case of Mr. Sakhrov, the Council of the District of Columbia went on record in support of him and the cause he represents in their passage of the "Andrei Sakhrov Recognition Resolution" which was unanimously adopted.

Historically speaking, the local government has had street-naming authority for forty years since the Congress granted such powers to the appointed Commissioners pursuant to the Act of December 20, 1944. This authority was delegated to the appointed D.C. Council in Reorganization Plan No. 3 of 1967; and then, with the coming of home rule to the District in 1973, street-naming was carried out by the Council of the District of Columbia. See D.C. Code 1-244(f) (1973 ed.); 1-227(a) (1981 ed.).

I am advised by former Council Chairman Sterling Tucker that during Congress' consideration of the Home Rule Act, there were fears expressed that the elected government might be too frivolous in its exercise of the public space naming and renaming power. I am further advised that following the implementation of the Home Rule Act there was a continuing fear over the prospect of a rush of proposals to name public spaces in honor of individuals both living and dead. Mr. Tucker also stated that at approximately the same time period, the District government was admonished by the Congress during budget hearings to proceed circumspectly in the use of its space naming authority. The Council responded to this Congressional concern by informally adopting standards for the naming of public space requiring that the honoree be deceased for two or more years, a practice which was formally adopted as a limitation in 1977.

From 1944-1977 the only limitation on the District government's street-naming power was the requirement that the thoroughfare be under the jurisdiction of the Commissioner (and later the Mayor). In 1977, the Council, in section 2 of the Naming of Public Places Act of 1976 (D.C. Law 1-109) further required that the naming of public places (including streets) be limited to the honor of persons who were deceased for at least two years. Section 2 of D.C. Law 1-109 was repealed and substantially re-enacted by the Council as part of its adoption of the comprehensive Street and Alley Closing and Acquisition Procedures Act of 1982 (D.C. Law 4-201). See D.C. Code 7-455 (1981 ed.). The legislative histories of D.C. Laws 1-109 and 4-201 are regretfully sparse. However, Council staff who participated in the legislative process in 1976 indicate that the anxiety over prospective requests to the Council to name public places after living persons and the need to apply the test of time to the greatness of a person were the main reasons for the requirement.

During Home Rule, the Council has exercised its street-naming powers conservatively, and it has not named any public place for a person who has not been deceased for two years. Indeed this limitation has occasionally been a very difficult rule to honor, such as in the recent past when a great local community leader, Mr. Theodore Hagans, died suddenly and the request to immediately introduce a bill to name a public place after him had to be turned down. You can well understand from that request and from others in the past that to make an exception to the existing law at this time could result in strong local reaction-- especially if that exception were made for an international citizen-- no matter who the person nor what the cause -- while denying a local hero and resident.

Moreover, should an exception be made, it could open the door to requests for namings in honor of the patron saints of numerous other national and international causes. The potential for citizen and traveler confusion resulting from street renamings, and the potential for embarrassment from the of honoring of living persons whose deeds subsequent to, as well as prior to any naming had not been subject to the test of time, is greatly enhanced should the current proposal be adopted and a new precedent set.

The current decedent status and "test of time" requirements are good government criteria. To undermine these criteria would be bad government from the standpoint of policy, administration, and the politics of fairness. It also would bring us to the borderline, if not over the line, of international policy involvement in a very sensitive area-- an involvement which should not be imposed upon the home rule government in an area under their jurisdiction.

The Council has entertained Congressional recommendations for space namings which we have tried to honor. For example, the Council Chairman recently honored Sen. Ernest F. Hollings' request to introduce Bill 5-437 to name a spanof the 14th Street Bridge in honor of Arland D. Williams, Jr. who gave his life in the District of Columbia over two years ago to save other passengers on Air Florida Flight #97. In this instance as in the instance of other requests which have been considered, the criteria have been met.

Consequently, I respectfully urge that the discipline which the elected local government has established with regard to public space naming a discipline which evolved in part from the concerns expressed by Congress during consideration of the Home Rule Act, and subsequent to passage of the Act be respected.

The local government in no way wishes to diminish the contribution of Andrei Sakhrov to the struggle for human rights. I would suggest that other strategies and alternatives be explored as a means for advocating the high level principles and humanitarian cause represented by Mr. Sakhrov and for assuring his well-being.

It is my hope that in consideration of the proposal before you that the Subcommittee would think through all the implications of making an exception to what I feel is good local government policy and to what is ultimately a local "home rule" issue rather than a federal issue.

Although the Council does not take Congressional recommendations lightly, it would be extremely hard to continue to say no to local tax paying residents while we say yes to others should you recommend favorable action on the proposal.

For all of the reasons I have outlined, I urge you to vote against the street naming proposal before you.

D.C. CODE, SEC. 7-455 (1981 ED.)

§ 7-455. Use of living persons' names prohibited; use of deceased persons' names restricted.

No public space in the District shall be named in honor of any living person, or in honor of any person who has been deceased less than 2 years, unless the deceased person was a President or Vice President of the United States, a United States Senator or Representative, a Mayor of the District of Columbia, or a member of the Council of the District of Columbia. (Mar. 10, 1983, D.C. Law 4-201, § 405, 30 DCR 148.)

Legislative history of Law 4-201. — See note to § 7-411.

Severability of Law 4-201. — See note to § 7-411.

Application of Law 4-201. — See note to § 7-411.

STATEMENT ON BEHALF OF CHAIRMAN CLARKE

Mr. CLARK. I will try to summarize, Mr. Chairman, and also make a few points that may not have been made. Unfortunately, I did not have the benefit of hearing Ms. Schneider's full testimony. I caught the tail end of it.

Mr. Chairman and members of the subcommittee, I am Richard W. Clark, executive assistant to David Clarke, Chairman of the Council of the District of Columbia.

As was indicated, Chairman Clarke is out of the city and was unable to be here himself. The statement that I will be making and have submitted for the record is the statement that he would have made had he been here.

Although it has been a difficult task for us, in taking the position that we have on the proposal to rename a portion of 16th Street in honor of Mr. Sakharov, I am here to testify against the proposal. I am here to testify against the proposal to make an exception to the District of Columbia Public Space Naming Law. This law prohibits the naming of public spaces in honor of any living person with the exception of specified categories of public officials, in honor of any person who has not been deceased for at least 2 years.

I would like to note for the record also that our position has nothing to do with either the motives or the cause that is represented by the proposal. In fact, the Council of the District of Columbia is on record in support of Mr. Sakharov. They adopted a resolution, Andrei Sakharov Recognition Resolution, which was in support of both him and his cause last year.

Senator SPECTER. Mr. Clark, did you hear Congressman Levitas' testimony?

Mr. CLARK. Yes, I did.

CHANGING OF NAME BY THE DISTRICT

Senator SPECTER. If the Congress recommended it to the District, do you think the District would change the name of the street?

Mr. CLARK. As indicated in testimony, we would be hard-pressed not to consider a recommendation from Congress.

Senator SPECTER. Well, aside from considering it, is it your judgment that the D.C. government would do it?

Mr. CLARK. I would say if we were not under instruction to do it, that we would have to oppose it. Our position, at least the position as represented by the chairman——

Senator SPECTER. So, if the Congress recommended it, you think the District of Columbia would not follow that recommendation?

Mr. CLARK. We would consider it. It would be the council's decision. We are not aware of what all the members feel about this particular proposition. I would not rule out the possibility that they would see it as an exceptional case and decide to vote for it.

Senator SPECTER. So, you are just not sure what they would do?

Mr. CLARK. That is correct, as in most instances like this.

Senator SPECTER. Would you care to give us a guesstimate?

Mr. CLARK. Well, I would not like to prejudge what the council members would do. It would be their individual decision as represented——

Senator SPECTER. You would not like to give us a guesstimate?

Mr. CLARK. No; I would not. And that is based on the fact that we have not had any input from the council members as far as how each one of them feels about the proposal. I can assure you that from a historical perspective, as with respect to the evolution of this street naming legislation, that it would be incumbent on us to go against it, due to the fact that Congress, through its own initiation, urged us to include the two-part criteria: One, that no person who is living be honored by having a public space named after him; in addition to that, that the person be deceased for at least 2 years. That was a result of considerations and concerns that were raised during the home rule legislation as well as subsequent to the home rule charter, in which the Congress was concerned that there would be a rush to rename streets and public spaces in honor of not only persons who were deceased but also persons who were living.

The testimony reflects a for-instance that is indicative of the difficult time and choice that you present to us in discussing this proposal. That surrounds the recent death of Theodore Hagans, who was a long-time resident, a supporter of the District of Columbia in many ways, contributed to many causes in the District of Columbia. His untimely and sudden death raised the possibility of us renaming some public space in his honor. We had to reject that proposal on the basis that the law requires a person be deceased for 2 years.

It would be difficult for the Council of the District of Columbia, having rejected not only Mr. Hagans but other proposals of people who might be classified as local patron saints, then to turn around and do it for an international figure, no matter who that person was, no matter what the cause was that they represented.

My feeling is that there are other ways that this could be done. Certainly, the council's recognition resolution was one attempt to recognize and to identify and align ourselves with a cause that Mr. Sakharov represents. It is a question of, Is this an appropriate response? And to that we make a very decided response: No, we feel it is not. We feel it is not good policy. Given all the considerations that were raised in the evolution of this bill, and this provision of the code, we think it is not an appropriate response for political reasons, those that I have already indicated.

Senator SPECTER. Thank you very much, Mr. Clark. Your testimony is very helpful. Thank you for including the statute in the back.

EXCEPTION TO 2-YEAR RULE OF NAMING STREETS

I see there is an exception on the 2-year rule: If you are a Member of Congress, President, or a member of the Council of the District of Columbia.

Mr. CLARK. That is true. That exception is in there. It is not an argument against the case that we made, in the sense that it still sets a precedent for a person who does not fit in any of those categories. It does not change the fact that it would be a precedent that would then make it very difficult for us to reject other proposals for other very worthy causes. I think it is not our intention or interest in getting into who is the most honorable person to be recognized or what is the greatest cause in the world. That is not the point. From an administrative standpoint and a political fairness standpoint, that is not an appropriate action to take.

Senator SPECTER. Thank you very much, Mr. Clark.

NONDEPARTMENTAL WITNESSES

STATEMENT OF LIZA ALEXEYEVA SEMYONOV

Senator SPECTER. I would like now to call on Liza Alexeyeva Semyonov, Mr. Sakharov's daughter-in-law.

We welcome you here and look forward to your testimony.

Do you have a statement?

Ms. SEMYONOV. Yes; I do.

Senator SPECTER. You may proceed. I see it is a handwritten statement.

Ms. SEMYONOV. Yes; it is.

Senator SPECTER. All right. I asked because if it were typed we would like a copy. But since it is not, you may proceed. Thank you.

Ms. SEMYONOV. Thank you for inviting me to speak at this hearing.

Senator SPECTER. Could you pull the microphone a little closer to you and speak directly into it so that we can hear you just a little better?

Ms. SEMYONOV. I want first to remind you what is happening to my parents-in-law during the last 2½ months. On May 2, my father-in-law has begun a hunger strike, demanding the permission for his wife to travel abroad for medical treatment. She urgently needs treatment for her heart and eye condition and was, in effect, denied treatment in the Soviet Union.

Immediately after the beginning of the hunger strike, my parents-in-law were stonewalled in Gorky so that no direct information of their situation was reaching us.

The Soviets are claiming that everything was normal, Sakharov and Bonner in good health. But at the same time the authorities would not allow any friends or relatives to see or to speak to the Sakharovs.

Finally, 2 weeks ago we received a very disturbing message from Moscow. Let me read the statement of the members of our family:

> According to the report we received from the source in Moscow, which we considered to be reliable, Dr. Sakharov is kept in the separate ward of the Gorky Hospital, where he is regularly visited by the Moscow psychotherapist, Dr. Rishnov. According to the same report, some psychotropic drugs are administered to Dr. Sakharov.

Senator SPECTER. What did you say last? I did not hear that?

Ms. SEMYONOV. What?

Senator SPECTER. What was the last thing you said? I did not hear it.

What was your last statement?

Would you read the last sentence again?

Ms. SEMYONOV. Yes.

Senator SPECTER. Can you pull the microphone still a little closer to you, please?

Ms. SEMYONOV. I would like to note that during Dr. Sakharov's hunger strike of 1981, he was also kept in the Semodka Hospital and was visited by a psychiatrist who has been trying to break his will and persuade him to stop the hunger strike.

On June 26, we received a telegram signed by Dr. and Mrs. Sakharov. Today's report confirms our doubts in this telegram. We are extremely concerned by the decision of the Soviet authorities to fake the telegram. It indicates that they are hoping that no one will ever see either Dr. Sakharov or Mrs. Sakharov again.

This message was since confirmed just 2 days ago. Our friends in California who received a letter from the Soviet Union. It repeats the same information about Sakharov and adds: Nobody has seen Yelena Bonner for a long time. She has disappeared.

At this time we believe that Yelena Bonner is being kept by the authorities in strict isolation separately from her husband, that Andrei Sakharov is continuing his hunger strike, and even though we presume he is being force-fed, which might be causing his death.

All these terrible things are to the persons who, we should remember, were never convicted of any crime. Their guilt is speaking up in defense of human rights, dignity, freedom, and democracy.

It is a tragedy that these two brave individuals have been forced to risk their lives to achieve the basic human freedoms we in the United States enjoy every day.

I think the renaming of 16th Street in front of the Soviet Embassy would be an important symbol to bring increased attention to the plight of Andrei Sakharov and Yelena Bonner. I hope that you, as distinguished members of an institution which symbolizes the rule of law and the value of freedom, will convey to Dr. Sakharov and Yelena Bonner by supporting this legislation, that their fate is likewise a symbol of the basic freedoms to which all men and to women aspire. Thank you.

LAST VISIT WITH THE SAKHAROVS

Senator SPECTER. Thank you very much.

When was the last time that you saw your parents-in-law?

Ms. SEMYONOV. It was in the end of 1981, after their previous hunger strike.

Senator SPECTER. Where did you see them at that time?

Ms. SEMYONOV. In Semodka Hospital in Gorky.

Senator SPECTER. In Gorky.

Ms. SEMYONOV. Yes.

Senator SPECTER. Are you living in the United States now?

Ms. SEMYONOV. Yes.

Senator SPECTER. We thank you very much for coming forward. We thank you for your testimony. We will give it very careful consideration. Thank you.

Ms. SEMYONOV. Thank you.

THE INTERNATIONAL PARLIMENTARY GROUP FOR HUMAN RIGHTS IN THE SOVIET UNION

STATEMENT OF PAUL MEEK, EXECUTIVE DIRECTOR

Senator SPECTER. The next witness is Mr. Paul Meek, executive director of the International Parliamentary Group for Human Rights in the Soviet Union. Welcome, Mr. Meek.

Do you have a statement, Mr. Meek?

Mr. MEEK. I do. This is my only copy.

PREPARED STATEMENT

Senator SPECTER. We would like you to summarize it. We will insert your full statement at this point in the record.

[The statement follows:]

STATEMENT OF PAUL MEEK

MY NAME IS PAUL W. MEEK AND I AM EXECUTIVE DIRECTOR OF THE INTERNATIONAL PARLIAMENTARY GROUP FOR HUMAN RIGHTS IN THE SOVIET UNION (IPG). IPG IS A VOLUNTARY ASSOCIATION OF 500 PARLIAMENTARIANS IN 14 COUNTRIES WHO ARE COMMITTED TO INCREASING PUBLIC AWARENESS ABOUT THE HUMAN RIGHTS SITUATION IN THE USSR.

I WANT TO BEGIN BY THANKING YOU, SENATOR SPECTER, AND THE MEMBERS OF THE SUBCOMMITTEE FOR THE OPPORTUNITY TO EXPRESS MY ORGANIZATION'S VIEWS ON THE LEGISLATION BEFORE YOU.

IPG SUPPORTS THE INCORPORATION OF S-2743 INTO THE DC APPROPRIATIONS BILL. THIS LEGISLATION RESULTED FROM DELIBERATIONS AT THE IPG PREPARATORY CONFERENCE HELD IN PARIS MAY 26-27, WHICH WAS ATTENDED BY 40 PARLIAMENTARIANS FROM 8 COUNTRIES, INCLUDING SENATORS GRASSLEY AND METZENBAUM AND REPRESENTATIVE LEVITAS. IT WAS THE FEELING OF THE PARTICIPANTS THAT A SYMBOLIC ACTION ON BEHALF OF THE SAKHAROVS, SUCH AS THE RENAMING OF STREETS OPPOSITE SOVIET DIPLOMATIC FACILITIES, WOULD BE A CONCRETE EXPRESSION OF THE DEGREE OF WESTERN UNITY IN SUPPORT OF HUMAN RIGHTS IN THE SOVIET UNION.

WE IN THE WEST OFTEN DOWNPLAY OR FORGET THE VALUE OF SYMBOLISM IN THE PROMOTION OF DEMOCRATIC IDEALS AND FREEDOMS. THE SOVIET UNION JUDGES OUR CONCERN ABOUT THE SAKHAROVS AND OTHERS SEEKING FREEDOM ON THE BASIS OF OUR ABILITY TO PRACTICE WHAT WE PREACH.

A FAILURE TO MAKE SUCH A GESTURE WILL SEND A CLEAR SIGNAL WHICH REINFORCES THE SOVIET BELIEF THAT, GIVEN TIME, THE SAKHAROVS WILL BE FORGOTTEN. ANDREI SAKHAROV AVENUE IS A SYMBOL WHICH SUSTAINS OUR BASIC CONCERN FOR FREEDOM.

EFFORTS ARE BEING UNDERTAKEN IN OTHER WESTERN CAPITALS TO ACHIEVE THIS GOAL. MANY PARLIAMENTARIANS IN OTHER COUNTRIES HAVE EXPRESSED SUPPORT FOR THE PROPOSAL, AND ARE AWARE OF THE SUBCOMMITTEE'S DELIBERATIONS. IN ORDER TO SUSTAIN THE MOMENTUM OF THIS UNIFIED ACTION, IT IS ESSENTIAL THAT THE UNITED STATES CONGRESS TAKE THE LEAD IN MAINTAINING OUR COMMITMENT TO THE IDEALS AND OBLIGATIONS OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS AND THE HELSINKI ACCORDS.

WE ARE ALL AWARE OF THE UNIQUE CONTRIBUTIONS AND THE SELFLESS HEROISM OF ANDREI SAKHAROV AND ELENA BONNER IN SYMBOLIZING HUMAN FREEDOM AND HUMAN DIGNITY. THEIR APPEAL TO US IS SIMPLE AND STRAIGHTFORWARD -- THAT THE WEST SHOW UNITY OF CONCERN AND OF ADVOCACY IN MAKING HUMAN RIGHTS A TOP PRIORITY IN OUR RELATIONS WITH THE SOVIET UNION.

IT IS IN THE SPIRIT OF ADVANCING WESTERN UNITY ON HUMAN RIGHTS AND REEMPHASIZING OUR PROMISE TO ASSIST THOSE IN THE SOVIET UNION SEEKING FREEDOM THAT I ASK THE SUBCOMMITTEE TO INCORPORATE S-2743 INTO THE D.C. APPROPRIATIONS BILL AND TO URGE ITS PASSAGE BY THE SENATE.

THANK YOU, MR. CHAIRMAN.

SUPPORT FOR S. 2743

Mr. MEEK. My name is Paul Meek. I am executive director of the International Parliamentary Group for Human Rights in the Soviet Union, or IPG. IPG is a voluntary association of 500 parliamentarians in 14 countries who are committed to increasing public awareness about the human rights situation in the U.S.S.R.

I want to begin by thanking you, Senator, and the members of the subcommittee for the opportunity to express my organization's views on the legislation before you.

IPG supports the incorporation of S. 2743 into the D.C. appropriations bill. This legislation resulted from the deliberations at the IPG preparatory conference held in Paris May 26 and 27, which was attended by 40 parliamentarians from eight countries, including Senators Grassley and Metzenbaum and Representative Levitas. It was the feeling of the participants that a symbolic action on behalf of the Sakharovs such as the renaming of streets opposite Soviet diplomatic facilities would be a concrete expression of the degree of Western unity in support of human rights in the Soviet Union. We in the West often downplay or forget the value of symbolism in the promotion of democratic ideals and freedoms. The Soviet Union judges our concern about the Sakharovs and others seeking freedom on the basis of our ability to practice what we preach. Failure to make such a gesture will send a clear signal which reinforces the Soviet belief that, given time, the Sakharovs will be forgotten.

Andrei Sakharov Avenue is a symbol which sustains our basic concern for freedom.

Efforts are being undertaken in other Western capitals to achieve this goal. Many parliamentarians in other countries have expressed support for the proposal and are aware of the subcommittee's deliberations. In order to sustain the momentum of this unified action, it is essential that the U.S. Congress take the lead in maintaining our commitment to the ideals and obligations of the Universal Declaration on Human Rights and the Helsinki accords.

We are all aware of the unique contributions and the selfless heroism of Andrei Sakharov and Yelena Bonner in symbolizing human freedom and human dignity. Their appeal to us is simple and straightforward, that the West show unity of concern and of advocacy in making human rights a top priority in our relations with the Soviet Union.

It is in the spirit of advancing Western unity on human rights and reemphasizing our promise to assist those in the Soviet Union seeking freedom that I ask the subcommittee to incorporate S. 2743 into the D.C. appropriations bill and to urge its passage by the Senate.

ORGANIZATION'S VIEW OF HOME RULE ISSUE

Senator SPECTER. Do you have any concern about the Congress making a direction to the District of Columbia? You heard those issues this morning——

Mr. MEEK. I, of course, have heard the remarks made both by the District of Columbia and by Congressman Levitas. Clearly, it is not the intention, since the idea proceeded from deliberations within my group, it is not our intention to in any way dictate to the District of Columbia what it should do. The effort, as Congressman Levitas stated, is an attempt to change the Federal legislation and the Federal designation of the street. It is hoped that the District would agree to go along with that. But we are not in any way attempting to involve ourselves in the debate over home rule.

Senator SPECTER. OK, thank you very much, Mr. Meek.

Mr. MEEK. Thank you very much.

U.S. DEPARTMENT OF STATE

STATEMENT OF ROBIE M.H. PALMER, DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND CANADIAN AFFAIRS

HARASSMENT OF AMERICAN FOREIGN SERVICE OFFICERS

Senator SPECTER. I would like to call Mr. Mark Palmer, Deputy Assistant Secretary ~~of State,~~ Bureau of European Affairs.

We welcome you here, Mr. Palmer. Ordinarily we would have had you at the top of the list, right behind Congressman Levitas, but perhaps you can be the cleanup hitter as the final witness.

Mr. PALMER. Thank you, Senator. I have a prepared statement. You have it, and I will just make a few remarks.

Senator SPECTER. We will include that in the record.

Mr. PALMER. I think there is just one word which characterizes the present situation of the Sakharovs, and that is outrage.

It is a feeling of rage and outrage shared by the President and by Secretary Shultz and by all the career members of the Foreign Service who have had for many years contact with the family in Moscow. I think it is important to note that the last outside observers who saw Mrs. Bonner, who have seen the family, in fact, were three American Foreign Service officers, two of whom have recently been grabbed by the goons, by the KGB, taken off to Soviet militia headquarters and held there under rather unpleasant threatening circumstances for some time.

Senator SPECTER. They were ultimately released?

Mr. PALMER. Yes.

Senator SPECTER. What harm was done to them after they were taken?

Mr. PALMER. They were pushed, they were shoved around. They were refused contact with the embassy. They were threatened. This, needless to say, does not begin to compare with the treatment of the Sakharovs, but I only wanted to mention it to indicate that all of us have dealt with a community of those in the Soviet Union who are fighting for freedom. We feel particularly close to their tragedy.

Senator SPECTER. What threats were made, Mr. Palmer?

Mr. PALMER. That they no longer had diplomatic immunity because they had engaged in activities which went beyond the normal activities of diplomats. That implied, therefore, that they could be jailed.

The President most recently expressed his sense of outrage about their situation on July 17. Among other things, the President said, the world demands to know the fate of these two good and courageous people. The President, therefore, very much welcomes the action that the Senate took yesterday, which calls for precisely the same thing, which is the Soviet authorities to allow objective observers to see what is happening and, of course, to meet the very legitimate grievances of the Sakharovs.

Congressman Levitas mentioned that Dr. Sakharov has three Lenin Awards. That is, of course, a remarkable testimony. One thing I wanted to underline is that Mrs. Bonner, his wife, was wounded three times during World War II. There is a scurrilous campaign under way which the Soviets are spreading through the world to try to make it appear that this is not Dr. Sakharov's decision to do what he did, beginning his hunger strike, but, rather, it is the nefarious influence of Mrs. Bonner. I want to underline that she is a hero of the Soviet Union. She is a remarkable woman. It is very clear that this disinformation campaign is not the truth in any way.

The point was made that we should not forget but that we will. I want to underline to you that Secretary Shultz and President Reagan simply will not forget. George Shultz is, in my experience—and it goes back through many Secretaries of State—the only one who has raised human rights with Gromyko as his first item of priority in every single meeting. He has also done that with Ambassador Dobrynin. We will not forget.

We have a very clear and unchanging framework for our relations with the Soviets. It is a four-part framework. I will not go through all of it. But one part of it is human rights. That simply will not change under this administration.

The State Department has done a number of things, some of which I cannot go into in open testimony. But we have tried very hard at the highest levels, including the President, to convince the Soviet leadership that they should release Andrei Sakharov and Mrs. Bonner. We have obviously to date failed, but we will continue.

We have also done a number of other things. For example, former Deputy Secretary of State Walter Stoessel, a man who is enormously respected in Europe, has just completed a tour in Europe. The exclusive purpose of that tour was to talk with European governments about human rights and most of all about Sakharov's plight. Max Kampelman is planning under our auspices a similar trip very soon. We are pushing very hard in a number of ways to make the message clear to Moscow.

As my testimony states, we do see two problems with this particular way of demonstrating the outrage of the world. The first you have gone over this morning at some length, and that is the question of D.C. home rule and the D.C. government's decisionmaking power in this area. Our lawyers have looked at that. We do think that there is a problem. I will not go into it in more detail.

RENAMING STREET AN IMPAIRMENT OF DIGNITY OF A FOREIGN MISSION

The second problem is that the Vienna Convention on Diplomatic Relations states, and I quote, that we have an obligation to prevent the impairment of the dignity of foreign missions.

We believe that objective, third-party observers would interpret renaming of the street as an impairment of the dignity of a foreign mission and that therefore we would be in violation of——

Senator SPECTER. Is that the view of the State Department?

Mr. PALMER. Yes.

Senator SPECTER. That there would be a violation of the Vienna Convention?

Mr. PALMER. It is so stated in my testimony.

Senator SPECTER. Why do you say that? Why would it be an impairment of the dignity of the Soviet Union for, say, the District of Columbia to decide to rename the street?

Mr. PALMER. It is quite clear what the purpose is of renaming the street, and that is to bring to the attention of the Soviet Government our sense or outrage.

Senator SPECTER. Yes; but how does that constitute an impairment of their dignity?

Mr. PALMER. They would consider it, clearly, an impairment of their dignity. I think Senator Moynihan has a similar view about what happened in Calcutta when the street in front of our consulate was renamed there.

Senator SPECTER. They might consider it an impairment of their dignity?

Mr. PALMER. They would, yes.

Senator SPECTER. How weighty should that be on the minds of the District of Columbia in what they decide to rename? We disagree with many of their conclusions. I would not give much weight to their conclusion about what constitutes an impairment of Soviet dignity.

Mr. PALMER. I agree with that, Senator, and the Department agrees with it. It is not so much the Soviet interpretation but the interpretation of impartial third parties.

Senator SPECTER. All right, if you take an impartial party, what is there to impugn their dignity when it is a matter of the exercise of freedom of speech, to say nothing about the right of, say, the District of Columbia to name a street, but as somebody stood in front of the Soviet Embassy with a bull horn and said the Soviet Union is wrong on what has been done to Sakharov and Bonner? Is there anything wrong with that?

Mr. PALMER. Not at all. And that is done very often, as you know.

Senator SPECTER. So, what is worng with expressing it by changing the name of the street?

Mr. PALMER. Well, the problem is that we are party to an international treaty which is law. International law has some bearing in this situation.

Senator SPECTER. I agree that international law is to be observed. But the question is, Does this violate international law? If the subject is impairing the dignity of the Soviet Union, I frankly do not see that it does that at all.

Mr. PALMER. Our lawyers believe that third-party, objective observers would come to that conclusion.

Senator SPECTER. Your lawyers believe that third-party, objective observers would come to that conclusion. I would suggest to you that is not a legal issue.

Mr. PALMER. Obviously, Senator, you can have your own view about that. I just wanted to share with you what the State Department's interpretation of the Vienna Convention is.

Senator SPECTER. Are any efforts being made to revise the Vienna Convention?

Mr. PALMER. Not to my knowledge.

Senator SPECTER. Senator Denton and I had an extensive hearing yesterday on the issue of international terrorism and the international convention which grants diplomatic immunity to state-sponsored murder. We think the Geneva Convention ought to be changed.

Mr. PALMER. We would be happy to give you an opinion on that. I would rather not just off the cuff give you something that is not my field.

Senator SPECTER. While you are at it, you might further define dignity.

SAKHAROV INSTITUTE FOR PEACE AND HUMAN RIGHTS

Mr. PALMER. I understand your point.

Finally, Senator, I want to underline that we agree very much with what Congressman Levitas said, and that is that something must be done. Let me suggest that one thing which is now being done but which would require the support of the Senate and the House in order for it to actually happen is that there is consideration of establishing an institute called the Sakharov Institute for Peace and Human Rights. This would be an institute to bring together the best minds in immigration, the best of the freedom fighters who have come out of the Soviet Union, to bring them together to create a center for activities on human rights and peace, the two things that Dr. Sakharov most passionately cares about.

The National Endowment for Democracy, which is now going to conference here, is the funding organization for this effort. If you all support the National Endowment for Democracy, I think there is a good chance we will have a major institute which would be a permanent institute in memory of Sakharov to take care of his ideals in this country and abroad.

I think that is a more meaningful step than naming a street. Thank you, sir.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Mr. Palmer. I appreciate your testimony.

Without objection, your statement will be inserted into the record.

[The statement follows:]

STATEMENT OF ROBIE M.H. PALMER

I am pleased to have the opportunity to testify today before this subcommittee regarding the proposal to rename a portion of 16th Street in Washington "Andrei Sakharov Avenue."

For the last several months, international attention has been focused on the plight of Dr. Andrei Sakharov, who has been held incommunicado in the closed city of Gor'kiy since May 2. As you know, this eminent and courageous Soviet scientist announced that he would begin a hunger strike to protest the Soviet authorities' refusal to allow his wife, Yelena Bonner, to seek necessary medical treatment abroad. Since the Soviet authorities have persistently refused to permit any independent observers to confirm Sakharov's current status, there is great cause for concern over his health and well-being. Recent reports that Sakharov is now being subjected to psychotropic drugs in an isolated ward in a Gor'kiy hospital are particularly disturbing.

Unfortunately, Dr. Sakharov is not alone in having his human rights violated. The Department of State follows hundreds of cases of human rights abuses in the USSR, all deserving of attention. Sakharov's case is particularly noteworthy, however, because it poignantly illustrates the Soviet Union's intolerance of an independent spirit in the hearts and minds of its people, even one of its most prominent citizens.

Sakharov's stature as a scientist is well-known. To quote Harrison Salisbury: "It is obvious that in speaking of Sakharov we are speaking of one the great intellects of our age--a man whose name flows easily and naturally into the rhythm of the list of those like Rutherford, Einstein, Bohr, Heisenberg, Kapitsa, and Oppenheimer, whose minds have changed the world."

Sakharov's brilliance was recognized early on by the Soviet authorities, and, after the war, Sakharov soon became the rising star in theoretical physics. He joined forces with Dr. Igor Tamm, who would later win a Nobel Prize in Physics, and his work was published extensively both in the Soviet Union and abroad. In the 1950s, Sakharov and Tamm began to work on a highly classified project involving thermonuclear reaction and the creation of an H-bomb. By age forty, Sakharov's achievements in physics had earned him considerable official recognition and privileges.

By the late 1950s, however, Sakharov began to reflect on the implications of his work for the Soviet Union and the world and to look at world problems from "a broader, more human perspective." Sakharov's first attempts to speak out for the greater good dealt with issues in the realm of his own experience as a scientist. He lobbied against the rehabilitation of Stalin's crackpot cronies who had polluted scientific research in biology and genetics for years, most notably Trofim D. Lysenko. He also argued for nuclear arms control.

Sakharov's training as a nuclear physicist has given him a special insight into human rights problems in the Soviet Union, and particularly into their relationship to global security. Sakharov began to address a wide range of issues pertaining to human rights, foreign policy and domestic conerns beginning with the publication of his first manifesto in 1968, "Thoughts on Progress, Peaceful Coexistence and Intellectual Freedom." He has since sent several appeals to Soviet and American leaders, and written articles for publication in samizdat and abroad.

Sakharov has most recently written an article on "The Danger of Thermonuclear War," published in Foreign Affairs in July 1983, in which he asserts that the convergence of the socialist and capitalist systems is a precondition for the preservation of world peace. Sakharov states in this article that:

> Genuine security is possible only when based on a stabilization of international relations, a repudiation of expansionist policies, the strengthening of international trust, openness and pluralization in the socialist societies, the observance of human rights throughout the world, the rapprochement--convergence--of the socialist and capitalist systems, and worldwide coordinated efforts to solve global problems.

Sakharov claims that true East-West cooperation can only be achieved when all people enjoy freedom of information, freedom of movement, freedom of religion, and an independent press. As he wrote in Alarm and Hope, "It is impossible to trust a government on an international level that violates the rights of its own citizens, rights that are guaranteed by international agreements that the government has signed and is obliged to respect."

Outspoken comments such as these, however, have not gone unanswered by the Soviet authorities. Ever since the publication of "Thoughts on Progress, Peaceful Coexistence and Intellectual Freedom" in 1968, Sakharov has been publically criticized. Soon after its publication, he was discharged from the nuclear weapons program, his security clearance was withdrawn and he was given a position as a senior researcher, the lowest position a member of the Academy of Science is allowed to hold. In 1975 when he won the Nobel Peace Prize, he was forbidden to leave the Soviet Union to accept it because of his knowledge of "state secrets." His wife, Yelena Bonner, accepted the award in his place. While these measures were taken by the Soviet authorities to dissuade Sakharov from continuing to publish his writings abroad and participating in the human rights movement, they had the unanticipated effect of decreasing the stakes for his activism.

In the last several years, Sakharov and his family have been the target of increased Soviet official harrassment. First Tatiana Yankelovich, Bonner's daughter, was expelled from Moscow University and her husband, Yefrem, was fired from his job as an engineer. The two were then permitted to emigrate to Israel. In 1980, Soviet authorities stripped Sakharov of his state honors and sent him into internal exile in the city of Gor'kiy. During that time, Liza Alekseyevna, the fianceé of Bonner's son, Aleksei Semyonov, was denied permission to join him in the United States. In November 1981, Sakharov and Bonner went on a hunger strike to protest the authorities' refusal to allow Liza Alekseyevna to emigrate. On the 13th day of their hunger strike, Sakharov and Bonner were placed in a hospital and forced to end their hunger strike. Alekseyevna was allowed to emigrate in December.

This May, Soviet authorities again stepped in to end the Sakharovs' determination to carry out a hunger strike, but without acceding to their demands to allow Bonner to go abroad for the medical treatment she desperately needs. Both Sakharov and Bonner have serious heart conditions, which their two hunger strikes undoubtedly have aggravated. While all of us hope that they are receiving adequate medical care, there is no possibility of confirming Soviet assurances to this effect since Moscow has steadfastly refused to allow any independent observers to assess their condition.

We have repeatedly stressed to the Soviets the importance of a successful outcome of the Sakharov case for U.S.-Soviet relations and will continue to make every possible effort to help the Sakharovs. Working behind the scenes, the U.S. government has sought to encourage a more forthcoming Soviet response. Publically, President Reagan has referred to the case on several occasions, most recently on July 17th, when he called attention to the tragic fate of Sakharov and Bonner and stated that "The world demands to know the fate of these two good and courageous people."

All of us are outraged at the plight of the Sakharovs. You asked me to come today to give the Administration's views on a proposal to rename a portion of 16th Street, N.W., Washington, D.C., where the Soviet Embassy is located, "Andrei Sakharov Avenue." As I noted, we are certainly in accord with the spirit behind this proposal in looking for ways to honor Sakharov and Bonner, to show our support for them in their ordeal, and to focus attention on them until their case is satisfactorily resolved. There are, however, several difficulties with this particular action which we believe make it inappropriate.

There are certain legal and procedural issues involved. I obviously do not want to address in any great detail before this committee aspects of D.C. home rule. However, we have certainly noted that under District of Colombia law, with a few specific exceptions, public places in Washington can be named after persons only if they have been dead for at least two years. Renaming a portion of 16th Street "Andrei Sakharov Avenue," might be interpreted as a statement by the U.S. that we believe that Sakharov has died and might also set a precedent that could cause us problems later.

In addition, this action might well violate our responsibility under the Vienna Convention on Diplomatic Relations to "prevent the impairment of the dignity" of foreign missions here in Washington. Certainly the Soviet can be expected to make such a charge and we suspect many others would agree with their position since the gesture is clearly directed specifically at the Soviet Embassy. Finally, it is not clear that the Soviet response would be to free the Sakharovs -- in fact, it might must increase the authorities' determination to keep them isolated from the world.

In addition, let me once again stress the deep and lasting commitment of the President, Secretary Shultz, and, I am confident, the American people to the Sakharovs and their freedom. We believe this hearing itself is making an important contribution. We all must persevere.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you, ladies and gentlemen. The hearing is concluded.

[Whereupon, at 10:58 a.m., Wednesday, July 25, the subcommittee was recessed, to reconvene at 10a.m., Thursday, July 26.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

THURSDAY, JULY 26, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 9:15 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

BOARD OF PAROLE

STATEMENTS OF:

HON. FRED UGAST, PRESIDING JUDGE, CRIMINAL DIVISION, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

JOSEPH DIGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

GLADYS MACK, DIRECTOR, OFFICE OF POLICY AND PROGRAM EVALUATION

HON. BERNICE JUST, CHAIRPERSON, D.C. BOARD OF PAROLE

ACCOMPANIED BY:

DAVID KRAKOFF, CHIEF, CHRONIC DEFENDANTS DIVISION

EDWARD ROSS, DIRECTOR, SUPERIOR COURT OPERATIONS

PAUL BARRETT, SPECIAL ASSISTANT TO U.S. ATTORNEY

TIMOTHY J. REARDON, III, SPECIAL ASSISTANT TO U.S. ATTORNEY

SHIRLEY WILSON, DIRECTOR OF CRIMINAL JUSTICE PLANS AND ANALYSIS

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen.

I appreciate your coming at 9:15. Since this hearing was initially scheduled, there has been scheduling of a session with the Secretary of State at 10. So we are going to proceed with some dispatch. And I know that we will accommodate the schedules of the busy people who are here and would like to be other places.

I know Judge Ugast has court commitments, and so we are going to turn it to you, Judge Ugast, at 9:15 as promised so that you can return to your court.

The purpose of this hearing is to focus in again on the issue of parole and probation on the narrow subject of rearrest or arrest of those who are on probation or parole with the view of determining what procedures may be put into effect to see to it that a probation violator or a parole violator is detained, especially where there is evidence of drugs in the urine or blood, or when there is strong evidence about subsequent offense, even though a second trial has not been held.

We are having a markup later today on the District of Columbia appropriations bill. And it is my desire, to the extent that it is possible, to give resources to both probation facilities and parole facilities to accomplish the objectives that we have discussed in prior hearings.

Judge Ugast, the narrow question which is on my mind—and, of course, I would be pleased to hear from you on whatever you care to say—is the budget request which has come from the court for $160,000 which would provide for two hearing examiners and the support personnel which, as I understand it, would enable courts to have hearings for people on probation who are arrested on subsequent charges, and then those hearings would make a determination as to whether probation should or should not be revoked with the people on probation being in custody for relatively brief periods of time until those hearings can be held to protect their rights, if not have them detained for a long period of time, have the hearing and protect society by not having them released when they are on probation and subsequent offense.

That is the focus of my interest, and I would like to know what the court is in the position to do with respect to this appropriation of $160,000.

STATEMENT OF HON. FRED UGAST

Judge Ugast. Thank you, Senator. And we just discussed this just briefly.

I know you asked me about this budget request when I was up here before, about a month ago.

Just briefly, the statutory framework under which we are working is the section of the code, 1322(e) of title 23, which permits a judicial officer to hold for 5 days a defendant who is on probation or on parole in another case, and they pose a danger to others, property, and they flee. This procedure is triggered by action of the U.S. attorney in stating that he requests a 5-day hold and that he is prepared to go forward with appropriate revocation hearing.

If the U.S. attorney responds affirmatively and requests it, and the statutory requirement is met, then the individual is held. And under our procedures at this time, because of the limitations of judicial resources and some other problems of prosecutory resources and witnesses, then the judge will place the defendant on probation initially, will hold a combined preliminary hearing and first probation revocation hearing within the 5 days as to limited offenses.

Senator Specter. Preliminary hearing on the probation violation hearing?

PRELIMINARY HEARING TO DETERMINE PROBABLE CAUSE

Judge Ugast. Well, it is a preliminary hearing to determine probable cause whether an offense was committed. And we have deemed that that would be sufficient for determination at the first revocation hearing.

Senator SPECTER. So the hearing is a preliminary hearing on the second subsequent offense?

Judge UGAST. On the new offense, and determining probable cause as to that which would be a basis for the initial probation revocation hearing.

Senator SPECTER. So if probable cause is established on the new offense, then that is sufficient to revoke probation on——

Judge UGAST. Not to revoke. But sufficient to hold the individual in custody pending a final revocation hearing. And the Supreme Court decision, and our own criminal rule, 321, due process requirements of notice of the hearing or the purpose of hearing, the alleged violation, and the right to have witnesses and representing counsel all has to be set up. And it is usually a two-step process before the final revocation hearing is held.

FINAL REVOCATION HEARING

Senator SPECTER. How long after the preliminary hearing would the final revocation hearing customarily take place?

Judge UGAST. It depends in part on the tactic that the defendant takes. If the defendant is held in custody and the defendant wishes to have the revocation, final revocation determination made and await disposition of the new case, it may be several months until this new case is determined. However, he is held without bond pending that decision.

Senator SPECTER. And suppose the defendant wants an earlier hearing on the final revocation hearing?

Judge UGAST. Then it can be scheduled at an early date, basically within the confines of the schedule of a particular judge who may be in the family division or civil division or somewhere else in the court, and the defense attorney's ability to say he is ready to proceed——

Senator SPECTER. But, in any event, the defendant is held?

Judge UGAST. Right. If probable cause were found, as I said.

Senator SPECTER. Does the defendant have any right to a final revocation hearing within any specified period of time?

Judge UGAST. Well, he certainly has it within a reasonable time. If he chooses not to ask that it be delayed pending the disposition of a new charge, he is entitled to a hearing within a reasonable time.

Senator SPECTER. But there is no concept——

Judge UGAST. No specific concept other than reason.

Now, the limitations, of course, on this procedure that we have, really follows from the strain on judicial resources, the disruption to the judges sitting in other divisions of the court, sometimes in courtrooms that have no cellblocks when they might be in civil or family division. And this has been a matter of concern of the court since 1976 as to just how we can improve on this whole procedure.

And what we have adopted in the offenses that have been designated are very serious offenses and were chosen by the word of the judge because of their serious nature and the threat such offenses we felt made to the community as a whole, that some immediate procedure was necessary. But it is limited to certain of the very serious offenses.

Really, as I say, it hinges basically on the resource situation and disruption. Last year, I believe there were about 700 defendants revoked, and many more revocation hearings held, particularly in the misdemeanor area where more are wasted on probation. The number of show cause orders that we have to issue is very, very sizable, and I would say over 1,000 a year. So you can imagine the volume we are dealing with is heavy.

CHANGE IN RULE OF THE COURT

Senator SPECTER. Will there have to be a change in the rule of court to accommodate this procedure?

Judge UGAST. I believe we would have to designate by rule, possibly by a board of judges' resolution, but I think more properly criminal rule, to delegate the authority to another judicial officer to conduct the first revocation probation proceeding. And that would enable us with the commissioners we requested, or whatever type of judicial officer, to hold the combined preliminary hearing for revocation.

At this point now, if we do not follow this procedure, or the U.S. attorney, for example, does not request it, or the judge is not available, or it is not one of the designated offenses, the commissioner setting bond in a new case sets bond on that case, and the probation revocation hearing, initial one, is held maybe 2 weeks later.

Senator SPECTER. And under those circumstances——

Judge UGAST. The individual may or may not be freed, depending on whether or not the bond situation in the new case justifies——

AUTHORITY TO SET NEW RULE

Senator SPECTER. Who has the authority to set the new rule?

Judge UGAST. It would be initiated by a board of judges of our court, notice given, is published, and then it has to be approved by the D.C. Court of Appeals.

TIME TO ESTABLISH NEW RULE

Senator SPECTER. How long would it take to establish that rule?

Judge UGAST. Well, I suppose it could be done, I would think, in 60 days. You would have a 30-day period for publishing, but it would have to be——

Senator SPECTER. If this appropriation was made, you would undertake to have the rule set up as promptly as possible?

Judge UGAST. Yes, sir.

Senator SPECTER. This rule would presuppose an application by the U.S. attorney?

Judge UGAST. I would say under the provisions of the 5-day hold, yes. Because otherwise we would have it in every case. And I think the prosecutory resources and our own resources would be pushed beyond the limit.

And as I said, this requires, you see, having police witnesses present that otherwise would not be present on that first day, possibly other witnesses, probation officers, and possibly the defense attorney in the original case.

So there are some logistics problems and other demands on the entire system.

Senator SPECTER. I suppose that is reasonable and practical. The question comes to my mind as to whether or not the court should act even without an application by the U.S. attorney on the grounds that the probation was proposed to the court and the court really had supervisory responsibility to see if the person should be continued on probation. But I realize the limitation of your resources.

Judge UGAST. Well, the court would act on its own if this procedure were not followed. But it would be the responsibility by the judge who had the case on probation himself. Each of us gets a notice from the probation officer of the new arrest. So that if this procedure is not followed, we ourselves, without any input from the U.S. attorney, initiate our own show cause and direct that they appear. But there is a time lapse.

Senator SPECTER. But under this procedure, the initiation would be the responsibility of the U.S. attorney?

Judge UGAST. Yes; with the other still in place.

DEFENDANT'S RIGHTS IN FINAL REVOCATION HEARINGS

Senator SPECTER. The other concern I have, Judge Ugast, is for the defendant's rights. And that is whether there should not be some period of time specified during which the final revocation proceeding would have to take place. I asked you about that a moment ago. Of course, you said there would be a reasonable time limit.

But I am wondering if——

Judge UGAST. It may say 60 days. I am not sure. My recollection was reasonable time. But it may say 60 days, I do not remember.

No later than 60 days after the preliminary hearing. So it is 60 days unless the defendant requests that the final revocation be held in advance pending resolution of the new trial.

Senator SPECTER. Has that been judicially tested, the advocacy of a hearing that long away? It seems to me that is a long time.

Judge UGAST. Well, I doubt it, because I would imagine in most instances if the defendant does not request holding up on the matter, the judges would set it within 30 days or probably less. I am not aware of any test on the time.

IMPORTANCE OF IMPLEMENTING NEW RULE

Senator SPECTER. OK.

I know you have a case that you are presiding on, Judge Ugast. I very much appreciate your coming. I will tell you at this point that as chairman of this subcommittee, I am going to make a recommendation that we appropriate the funds. And we will have a markup later today, and we will have it before the full committee next week, scheduled to be next Tuesday. And then it is going to go before the Senate.

Since it is going to take some 60 days to implement a rule, if it is possible for you to begin the proceedings for the implementation of the rule, I would request that you do so, urge you to do so, because the matter would have to go over before Conference Committee and final action by the Congress and signature of the President. I think there is an excellent likelihood that we will get the funding for you. But that may take some time, maybe 30 days or more.

So if you could start the process working to have a new rule, I think that would be a good idea.

Judge UGAST. All right. We certainly appreciate it, Senator. And if we can be of any further assistance, I am sure you will let us know.

Senator SPECTER. It is very helpful for you to clarify it for the record so I can make the recommendation to my fellow members of the full committee.

I would like to call now the distinguished U.S. attorney for Washington, D.C. It is nice to have you here again, Mr. diGenova. And I would be pleased to hear your statement.

To the extent that you are able to focus on the procedures which Judge Ugast has just outlined, I would appreciate that as well.

STATEMENT OF JOSEPH DIGENOVA

Mr. DIGENOVA. Thank you, Mr. Chairman. I am again delighted to be here before you.

I want to thank you, first of all, for your continuing interest in the status of the criminal justice system in the District of Columbia. We appreciate greatly your sincere interest and appreciate the opportunity to appear before you once again.

I will skip over for a moment my remarks concerning the Parole Board and deal directly with the matter with which you have just stressed to Judge Ugast.

We would certainly welcome an opportunity to see that the infusion of those resources into the judicial branch, as has been outlined. And, of course, we would do everything that we could to support that effort within the limits of resources that we now have available to us. We are very hopeful obviously that the 21 prosecutors which the Congress has so generously authorized will soon be funded and we can get those people onboard.

Senator SPECTER. Where does that stand now?

Mr. DIGENOVA. I believe, without having checked recently, that it is somewhere within the Office of Management and Budget for approval, and that is likely to come shortly.

Senator SPECTER. Has not the Congress authorized those expenditures?

Mr. DIGENOVA. The authorization has been——

Senator SPECTER. In the appropriation?

Mr. DIGENOVA. The appropriation has not, to my knowledge, been enacted by Congress. That will probably be contained in either a supplemental request for administration or in some request for a reprogramming of departmental funds. We, of course, have gone out and interviewed applicants and made an effort to have those people come onboard should Congress and the administration agree to a timeframe.

Senator SPECTER. Will you let me know where that stands, and I will assist you in the appropriations process.

Mr. DIGENOVA. I will indeed, Mr. Chairman.

With regard to the probation revocation, the rule speaks to the 5-day hold, which is used to hold someone, can be done by the judge who responds also, I might add, has traditionally been done on the move of the U.S. attorney because he is usually imbued to be in possession of the facts necessary.

We support the use of the commissioners to hold additional revocation probation hearings. We think that is absolutely essential in order to assure that individuals who commit serious crimes while on probation are held pending disposition of their revocation, and so that their revocation can be held as quickly as possible

INTRODUCTION OF AGENCY WITNESSES

Senator SPECTER. Mr. diGenova, before we proceed, we know Mr. Ross, but will you introduce the other gentlemen?

Mr. DIGENOVA. To my far right is Mr. David Krakoff, who is the chief of the Chronic Defendants Division. Of course, there is Mr. Ross, who is the director of Superior Court operations. And to my right is Mr. Paul Barrett, who is in the front office of the U.S. attorney as our special assistant for the period of the summer, who has done an extensive study for this committee and for the office on the parole system. And also with me is the executive assistant of the U.S. attorney, Timothy J. Reardon, III.

Senator SPECTER. Very good.

You may proceed.

REPORT ON THE EVALUATION OF PROCEDURES OF PAROLE BOARD

Mr. DIGENOVA. Thank you, Mr. Chairman.

I am very glad to have this opportunity to respond to your request for a detailed evaluation of the policies and procedures of the District of Columbia Parole Board. My aim is to explain in specific terms why and how this parole system breaks down on occasion, putting in our view Washington residents at tremendous risk.

Now, the U.S. Attorney's office has brought a similar message to this committee in the past, in this report which has been submitted to you, a 30-page detailed report. I wish to emphasize the urgency of our criticisms on the pressing need for reform.

I want to emphasize that the attitude which our office brings to this critique of what we perceive to be a substantial and sometimes fatally flawed system stems from my duty to the citizens of the District of Columbia who are daily in peril because of misfunctioning of the system. I do not impugn the personal motives or intentions of any individual, board member, or staff. I presume all to be well intentioned public servants with whom our office has some disagreement concerning the policies and practices of the D.C. Parole Board.

Now, I do not intend to go into the report at length because it is very, very detailed and substantial. It is truly the first critical analysis in a detailed way of this area which for too long has remained shrouded in mystery. And as this chairman knows, the United States is now beginning for the first time to look at parole systems all over the country and to decide what is the best way to change them.

Before answering any specific questions you may have about the written report, I would like to acknowledge a welcome—and I underscore welcome—indication of progress which came from the Mayor's office just yesterday. The Mayor's Office of Criminal Justice Plans and Analysis yesterday on the eve of these hearings released several proposed changes in Parole Board standards and policies.

Naturally, our office favors any sincere effort by the District of Columbia government to improve the parole system. And several of the reforms proposed yesterday do in fact respond to long-standing criticisms made not only by the U.S. Attorney's Office, but by others. And I applaud—I underscore the word applause—such reasonable responses to constructive criticism.

Members of my Office in fact met yesterday just prior to this hearing with the Parole Board and other city officials to discuss the proposed revisions. Having said that, I want to indicate that the proposed changes are merely a beginning, they in fact do not remedy the other systematic flaws discussed in the formal report to the subcommittee. Most of the revisions do not resolve fully the specific problems they are intended to address.

However, it is appropriate to say that it is a beginning of response from the Parole Board and the District of Columbia government, and that it is a welcome response.

REARRESTED PAROLEE WITH EVIDENCE OF DRUG USAGE

Senator SPECTER. Mr. diGenova, let me focus on an area of concern which the subcommittee has discussed before with you and with Chairwoman Just. And that is the parole posture of having someone who is on parole rearrested for a new offense.

What are your views as to the proposed changes on doing something about the problem of someone on parole who is rearrested, has PCP or other drugs in his system, and where there is strong evidence that a new offense has been committed?

Mr. DIGENOVA. Mr. Chairman, the proposals that were made yesterday by city officials, and which we have only had less than 24 hours to review, pertain only to the issuance of parole violators' warrants and to revocation proceedings. I want to underscore that they do not deal with the initial decision of whether or not to grant a parole before there has ever been a violation while someone is on parole.

So we are going to put that question aside, although that is in fact perhaps one of the significant questions that this committee has addressed in the past.

Both of the areas which they addressed in their proposal yesterday are in need of extensive reform. And those proposals yesterday that indicate appropriate concern in our view over existing problems include the following:

First of all, the new rule which was shown to us yesterday explicitly establishes for the first time a standard of probable cause for the issuance of a violator warrant which a parolee has been rearrested or for preliminary determination of whether revocation may be in order.

This change will bring the Parole Board into line with the controlling Supreme Court decision on the subject and will encourage the appropriate issuance of warrants.

Now, they have for the first time explicitly established a policy of issuing warrants for all felony drug violations, including illegal distribution, purchase, possession, or use of controlled substances.

There are some problems, obviously, in that it is not quite clear what the meaning of that is going to be. And, of course, practice and the actual rendition of decisions will explain to a certain extent what these provisions mean. We are not yet fully understanding of how this will work. We are not sure, for example, that it will deal with some of the more serious concerns which we have had where drug use, which is revealed by scientific analysis, is called a technical violation. The problem there, of course, is that we are concerned that it remains unclear whether certain narcotics violations, such as simple possession or a single sale, would result in a warrant issuance or revocation. And we have dealt extensively with that problem in part 5 of the written report.

So at this point we are unclear.

Senator SPECTER. All right.

We have you listed second on the witness list. Let us turn at this time, if we can, and ask Gladys Mack, Director of the Office of Policy and Program Evaluation, to step forward, and Chairwoman Bernice Just, of the Parole Board, to step forward, and to answer these questions as to the scope of the new rule.

I appreciate the fact, Mr. diGenova, that you have not had an extensive opportunity to review these, nor have I. And it is not a matter of coincidence that these reports are being submitted and the rule was transmitted yesterday.

And I have discussed the matter with members of the administation and with the Mayor in an effort to get the matter moving along. As we all know, there is nothing inappropriate about having a hearing like this to activate the submission of the document. There was a request for additional funding by the Parole Board to implement the changes in the rule. And I am concerned about two aspects. The area of greatest concern is the one on the hearing when someone is on parole and is charged with a new offense. And that is the question which I have been addressing to Mr. diGenova so far.

I agree that it is also an important matter to have new rules on release initially on parole because of the information which has been developed at earlier hearings.

Director Mack, let me turn to you with the question that Mr. diGenova has just raised. If someone is on parole and is rearrested on a new charge and has, for example, PCP in his or her system, would that person then be subject to revocation of parole?

STATEMENT OF GLADYS MACK

Ms. MACK. Yes; the new rules and regulations that we have developed would provide for revocation in that case.

Senator SPECTER. There have been requests made by the administration for additional funding in order to implement this rule.

Would you outline briefly what those requests for additional funding are?

Ms. MACK. I am going to ask Mrs. Shirley Wilson, who is the Director of Criminal Justice Plans, and has coordinated this for us, to respond.

Mrs. WILSON. Good morning.

Senator SPECTER. Would you identify yourself?

ADDITIONAL FUNDING FOR PAROLE REVOCATION

Mrs. WILSON. Yes; I am Shirley Wilson, Director of the Office of Criminal Justice Plans and Analysis.

We have requested, Senator, $334,394 in new funding. That amount will be broken down in the following manner: $214,383 will be used to establish a special parole supervision unit that would be used to monitor parolees who have a history of drug problems. Not only will we be providing routine monitoring of parolees, but we will place them under intense supervision and monitoring.

Also, $79,605 of that money will be used to give the D.C. Board of Parole additional administrative staff needed to manage the parole officers who will be transferred from the Department of Corrections.

Senator SPECTER. If I may interrupt you for a moment.

The parole officers who work with the parolees who have bad records, it may well be necessary, but focusing for just a moment on someone who is on parole and who is arrested for a new offense, and PCP is found in his or her system, now, there really is no need in that kind of a case to have a parole officer. What you really need is a hearing procedure which would make a determination as to whether there is sufficient evidence to revoke the parole of the individual who has been arrested on a new charge.

How, if at all, does this request for additional funding deal with that issue?

Mrs. WILSON. The request for additional funding will provide the Parole Board with an additional hearing examiner. Because we certainly anticipate having more hearings as a result of the enhanced enforcement.

And on the issue of PCP, the Board is looking at the relative severity of all these minor violations. A parole violator warrant would most certainly be issued in the instance of involvement with PCP.

Senator SPECTER. Well, is one parole hearing officer realistically sufficient to handle this kind of administrative burden?

Mrs. WILSON. From our initial examination of the Parole Board's staffing pattern, we think one additional hearing examiner would be sufficient. It may be necessary later to request more money——

Senator SPECTER. Well, the issues that this subcommittee wants to address at this moment are the specific procedures on keeping in custody parole violators and procedures for evaluating whether someone should be released on parole at the outset. But those, in my judgment, were the two priority items.

The questions about supervision of parolees generally is another matter of tremendous importance. But I would place that third on the list of priorities, with the No. 1 priority being the issue of revocation of parole for someone who is charged with a new offense, whether it is PCP, for example, in a person's system and significant evidence of the new violation.

Mrs. WILSON. Well, Senator, on that topic, the Parole Board's proposed rules and regulations have a different level of proof that will be required in order to revoke parole. As you recall, the old level of proof was overwhelming and compelling evidence. That has been changed to the preponderance standard, which brings us in line with the Federal system and with other States.

Senator SPECTER. A preponderance standard will be different from what Judge Ugast has just articulated, which is probable cause, to believe that a new offense has been committed.

Mrs. WILSON. Probable cause will be the standard used to issue a warrant.

Senator SPECTER. How about to revoke parole?

STANDARD OF PROOF TO REVOKE PAROLE

Mrs. WILSON. To revoke parole, the standard of proof will be preponderance of the evidence. In our study of other jurisdictions, we found that in making the initial decision to issue a parole violator warrant, probable cause is used. But in making the decision to revoke parole, the preponderance of evidence standard is used.

Senator SPECTER. Mr. diGenova, what is the standard used on revocation of probation on a final hearing? Judge Ugast has cited that probable cause is the standard of preliminary hearing for detention.

What about the final hearing on revocation?

Mr. DIGENOVA. It is clear and convincing evidence. It is a little bit higher than preponderance of the evidence. Besides, a clear and convincing standard is somewhere between preponderance and guilty beyond a reasonable doubt.

Senator SPECTER. Under constitutional standards, it is sufficient to have preponderance of the evidence for parole revocation?

Mr. DIGENOVA. It probably is, yes.

Senator SPECTER. In that event, it is probable cause to issue the warrant, it is preponderance of the evidence to revoke the parole, and how will this work timewise?

Say someone is arrested, run through the sequence as to what would happen when a parolee is arrested on a new charge, and the tests show that the person has PCP or some other drug in their system, what will be the action then taken by the Parole Board and in what sequence?

Mrs. Wilson. The Office of the U.S. Attorney will notify the parole supervision unit of the Department of Corrections of the arrest, along with evidence obtained in the investigation. The parole supervision unit, either that day or the next day, will notify the Board of Parole and request a warrant. The Board of Parole——

Senator Specter. What is happening to the parolee at this time? Is the parolee being detained?

Mrs. Wilson. I am referring to a situation where the parolee is being detained.

Senator Specter. Under what authority is the parolee being detained?

Mrs. Wilson. The parolee could be detained, I would think, under the 5-day hold provision.

Senator Specter. Is the 5-day hold provision activated in the situation that I have postulated?

Mrs. Wilson. Yes; it would be.

Mr. diGenova. Under the new rules promulgated yesterday, it would be for the first time.

Senator Specter. OK. Good so far. Go ahead.

Then what happens?

Mrs. Wilson. Then the Parole Board would look at the information that it obtained and make a decision, based upon the new standard that we have established, whether or not a violator warrant and detainer would follow.

Senator Specter. Now, would there be a hearing within the 5-day hold period?

Mrs. Wilson. No; there would not be.

Senator Specter. Well, how do you make a determination as to whether a parole violation has occurred?

Mrs. Wilson. The Parole Board does not necessarily have to hold a hearing in order to issue the warrant.

Senator Specter. But after a warrant is issued. Say a warrant is issued and the 5 days have elapsed, what happens to the person who is on parole charged with a new offense?

Chairman Just, we would be pleased to hear from you. We see you talking and having perhaps the answer.

STATEMENT OF BERNICE JUST

Ms. Just. The provision is when the parole violator warrant has been issued to be executed, that is if the person is—well, the case of a 5-day hold, is actually issued as a detainer, and a preliminary hearing is held at that time to determine the strength of the case against the parole violator. These rules provide that where a person is being held purely on the basis of a Board of Parole warrant, that there will be a hearing within the 60 days.

Senator SPECTER. What happens to the parolee after the 5-day hold is over?

Ms. JUST. During the period of 5 court days when the person is being held, this is to allow the Board of Parole to reach a decision as to whether it will issue a warrant, a parole violator warrant. If the decision is made to issue that warrant as detainer, the person remains in custody.

Senator SPECTER. The person remains in custody upon the issuance of a warrant?

Ms. JUST. If the warrant was issued as a detainer, the person remains in custody. If the person has not already been taken into custody and the warrant has been issued for execution, then the person is retaken from the street and brought in.

Let me answer it this way. A parole violator——

Senator SPECTER. I want to see to it that we do not have the issue of a person being on the street.

If a person is on parole and is arrested for a new charge, has PCP in his system, you have said that is a sufficient basis to hold the person and to revoke parole.

What I want to see is how your rule is structured timewise. It has been said that under the rule there can be a hold for 5 days.

Now, during the 5 days, you have talked about issuance of a warrant of arrest on the parole violation. But is that procedure sufficient to hold that person in custody until the 60 days have elapsed——

Ms. JUST. Senator——

Senator SPECTER. Let me finish the question.

Ms. JUST. Senator Specter——

Senator SPECTER. Let me finish the question so we can try to have some understanding here.

Is that person going to be held in custody until there is a hearing on the parole violation?

Ms. JUST. The answer is yes, Senator Specter.

Senator SPECTER. Mr. diGenova, do you agree with that interpretation of the rule?

Mr. DIGENOVA. This is one of the problems with having very little time. Our preliminary analysis of the new standard for issuance of warrants, which is what you are talking about right now, and for ultimately parole revocation, indicates that there is substantial qualifying language in the new rule requiring the Parole Board action only where violations form "continuing patterns of infractions," or "indicative of serious adjustment problems."

Now, in other words, there is a considerable leeway even after an arrest, even after an arrest to the Board allowing for unrestrained and, of course, continuing the pattern of inconsistent decisionmaking, conceivably under this rule dealing with drugs, parolees who are still on parole. That is unacceptable given that once a person is arrested and they are presented, that is probable cause as a matter of law because that is the only way a person can be held. You are getting to the crux of our problem in terms of trying to understand what these new rules are going to mean. We do not know right now.

RESOURCES NEEDED TO IMPLEMENT CHANGES IN PAROLE

Senator SPECTER. What I would like to do is this. I would like for my staff to meet with representatives of the Parole Board, the Mayor's commission, with someone from the U.S. Attorney's Office present to go through this in a detailed fashion. I would like to do it this morning but I cannot, as I said, because of other commitments. But I would like to see precisely how this would work out.

And I would like to have a concise statement as to what resources you would need to implement this change in parole so when a parolee is picked up, charged with a new offense, has drugs in his system, he is not released. I want to see, how the system works which protects the constitutional rights of the parolee and also the rights of the community so there is a prompt hearing, but no release in the interim where the evidence is sufficient to warrant such.

I have grave doubts that one hearing officer can possibly handle that.

The subcommittee may be receptive to six additional people for another purpose, or may not be. But I want to see to it what resources you need for these hearings, point one. That is the No. 1 item.

INITIAL REVIEW ON PAROLE

The second issue is the standards, does this rule address the issue of initial review on parole?

Mrs. WILSON. Senator, the rules at this time do not address the issue of the initial release on parole. We are in the process now of working on parole decisionmaking guidelines.

Senator SPECTER. How long will it take you to address that issue?

Mrs. WILSON. It will take us another 60 days in order to have the parole decisionmaking guidelines ready for distribution.

EXPEDITING NEW PAROLE RULES

Senator SPECTER. Well, I would urge that you expedite that process. We are now at a juncture where we are talking about appropriations for next year. And, of course, we have discussed this matter repetitively over many months now, and we met, as you know, with the Mayor in my office 45 days ago. It has been a long time. I would hope that you could come to grips with these rules earlier. I realize it is not an easy matter, but there are standards other places. And we would be willing to assist you.

But I would like to see you come up with the rules at least to the extent of informing this subcommittee what you need by way of resources. Because I would not like to see this go to the supplemental appropriation for another year, and the city lacking the resources to implement the new standards. Because it is going to require resources where you change your standards and make new policies for initial release on parole.

And then I would be pleased to consider point three, as to what you need by way of general supervision on parole, which is a third priority.

I regret that I am going to have to terminate now, as I have said earlier. We have run a little bit past. But what I would like to do is to proceed on these three fronts now, to have this analysis, the rules to how it is going to work procedurally on parole revocation, and what procedures you need, and where you may be able to come up with some ideas as to what resources you need on the context of another rule.

Is that a realistic approach in your opinion, Director Mack and Chairwoman Just?

INITIATIVE OF MAYOR TO REVISE RULES

Ms. MACK. I think it is, Senator.

I would like to add that we have been very responsive to your interest in this area. And just to put on the record that we do intend to publish in the Register a week from Friday the new rule which we have already prepared, and we are moving expeditiously to put that in place at the same time we are working on the initial rules. So we are being responsive, and we will be happy to work with your staff and the U.S. attorney in order to move the next steps.

Senator SPECTER. I appreciate the responses. And I think you are being responsive. And the Mayor has shown a great concern over the issue. He talked to me about it yesterday. And there is no way that any of us can be too responsive or act in sufficient speed because of the urgency of the problem, because it is a problem which reoccurs every instant that we are alive, the problem of the parole violators or probation violators, and the need for meeting that.

That has been the thrust of my own concern. We have had a lot of hearings, we have gotten to know one another very well. And I think we are working together as a team. And my hope is we can press extra hard.

Mr. diGenova, I am sure that the subcommittee will have the cooperation of you and your office on the program outlined.

REPORT PREPARED BY U.S. ATTORNEY'S OFFICE

Mr. DIGENOVA. Absolutely, Mr. Chairman. And I want to underscore how grateful I am to Paul Barrett, to my left, who has literally devoted almost every waking hour of his life since you indicated you wanted this report. This 30-page report, which is very fair in terms of an intense detailed analysis of the problems, is in fact a wonderful beginning for a partnership to resolve these problems. And I am delighted that the matters are being discussed publicly, because the stakes at issue are public stakes.

And once again I want to thank the chairman for his continuing interest in an issue that affects the safety of this community in an extreme way.

Senator SPECTER. Mr. diGenova, I think that your report is an excellent work. And I commend Mr. Barrett for this as well. And I am delighted to have the status report and recommendation of the Mayor. I think we are finally generating meaningful paper on this subject to put it into focus, and not only the problem, but proposed solutions. I think you will have a grateful citizenry in the District of Columbia, and beyond, because the parole and probation violators do not stop at the D.C. limits.

So let us proceed with the work, and we will proceed and try to get to you the resources and assistance you need to implement it. Because I know full well the nature of the problem and the considerations involved, and I am prepared to work with you to get it solved.

SUBMITTED QUESTIONS

I have some questions for all District agencies which I will submit for written responses for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

COUNCIL OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:
1. It was stated last year that the workload had increased for the administrative support staff and that you had planned to implement an automated legislative status reporting system. Did you succeed with implementation of this system? Has it increased the activity of the administrative support staff?

CHAIRMAN CLARKE:
1. In Fiscal Year 1983, the Council did implement an automated legislative tracking system. The system is capable of generating, in minutes, various status reports of Council actions which previously took weeks to generate. As a result, the system has greatly reduced the time necessary to respond to legislative information requests. The Council is therefore more efficient in responding to public information requests and more effective in its record keeping. The system provides the following reports:

1. COUNCIL COMMITTEE CALENDAR -- An up-to-date listing of all measures referred to a specific committee and the current status of each measure within the committee.

2. MEMBER REPORT -- An up-to-date listing of all legislation introduced by each Councilmember. An up-to-date listing of measures introduced at the request of the Mayor, is also available.

3. NUMERICAL LISTINGS -- An up-to-date listing of all Bills and Proposed Resolutions introduced in the Council, along with such information as introducer, Co-sponsor, Committee Referral, Act, Resolution & D,C, Law Numbers, Effective Dates, etc. An up-to-date listing of all Emergency Bills, Temporary Bills, Ceremonial Resolutions, Emergency Resolutions, Executive Service Confirmation Resolutions, and other separate listings can be produced.

4. LEGISLATIVE STATUS REPORT -- An up-to-date listing of all final actions on the Council, excluding measures approved by Council inaction. This report includes action taken on Bills, Proposed Resolutions, Emergency & Temporary Actions, and measures pending Congressional review. The reports include such information as dates of Council action, Mayoral Review, Act, Resolution and D.C. Law Number, effective dates, date received in Congress, etc.

5. BILL/PROPOSED RESOLUTION SUMMARY -- A brief up-to-date summary of events as measures flow through the legislative process, from introduction to D.C. Law.

6. LEGISLATIVE SUMMARY STATEMENT -- This report is a listing of all Bills and Proposed Resolutions (Excluding Ceremonial Resolutions), short titles and a summary statement of what each measure will do.

7. LEGISLATIVE SUMMARY & AMENDMENT REPORT -- This report list the short title, summary statement and any amendments, without votes.

8. SEARCH PROGRAM -- The search program provides for the capability to obtain an up-to-date listing of all legislation which deals with any specific word or sentence. For example, all legislation on consumer protection and no-fault insurance can be obtained from this program. The search program can also produce a listing of all legislation Co-sponsored by a particular member.

9. INDEX -- This report is an up-to-date of listing keywords in the short title of Bills, Resolutions and corresponding Bill and Resolution numbers for one Council Period.

10. LAW INDEX -- This report is an up-to-date index of laws based on keywords from one or all Council Periods.

11. P.H. INDEX -- This report is a listing of public hearings by subject index, based on keywords for one or all Council periods.

As a result of implementation, the work load of administrative support unit has increased. Because of the availability of detailed information in the legislative tracking system, there has been an appreciable increase in the number of requests by the public and the Councilmembers for information and documents. In 1982, the Council averaged 89 requests per day. In 1983, the Council averaged 99 requests per day, an eleven percent increase.

SENATOR SPECTER:
2. You stated in your justifications submitted for the budget that you have no funds in the base for overtime and terminal leave payments. Who are the personnel that qualify for overtime pay? Is the staff for the Council salaried or are they paid by the hours worked?

CHAIRMAN CLARKE:
2. Under the Council's personnel policies, only employees DS-10, Step 1 ($23,161), and below, are entitled to overtime pay. Many of Council activities are held in the evening to allow greater public participation. Staff are needed to provide the necessary technical support for the proper conduct of hearings and Council meetings. These staff personnel handle the functions of audio technicians, transcribers, and administrative support. The staff of the Council are salaried employees. However, where part-time staff assistance is required, those employees are hired on an hourly basis.

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

SENATOR SPECTER:
1. Have you been able to work out an agreement with the Lottery Commission whereby you will be reimbursed for auditor services?

MR. TROUPE:
1. We have not had any discussion on this matter to date. I am hopeful of moving forward on this in the very near future.

SENATOR SPECTER:
2. When the DS-11 Financial Auditor position is filled, how many will be on your staff? Will this position bring your staff to full capacity?

MR. TROUPE:
2. Filling the currently vacant DS-11 Financial Auditor position will result in a full staffing capability of fifteen positions.

SENATOR SPECTER:
3. What type of increased workload do you expect for 1985 if any?

MR. TROUPE:
3. It is difficult to project exactly the order of magnitude of increased workload for the Lottery Board and Washington Convention Center. I would observe however that expansions in the type and number of lottery games and more conventions being attracted by the center would lead to more audit effort being required due to the increase in activity.

In addition, we anticipate additional workload as a result of the city's move to finance capital improvements with long term municipal bonds. Pursuant to P.L. 93-198, the Auditor is required to certify that issuance of bonds do not exceed the statutory debt ceiling of fourteen percent.

OFFICE OF COMMUNITY SERVICES

SENATOR SPECTER:
1. Have you decided on the number of staff that will be needed to operate the functions of the individual ANC offices?

MS. HAMMOND:
1. On the average, the 36 ANC commission offices employ 1 full time staff person, and some offices may employ an additional part time person.

SENATOR SPECTER:
2. Do you have any idea what the various program activities will be for the various ANC offices?

MS. HAMMOND:
2. In addition to the responsibility for advising the District Government on matters of public policy and community issues, the 36 Advisory Neighborhood Commissions are concerned about affecting the quality of life in the commission areas. In carrying out these responsibilities, the commissions will continue to work on projects of general interest in the specific neighborhoods. Some projected

programs include: clean-up drives; beautification projects; town meetings; community festivals; publication and distribution of newsletters. ANCs will continue the practice of awarding grants for certain types of small scale projects, such as to community recreation centers, toward senior citizen activities, to support school programs like D. C. Reading is Fundamental, or towards the purchase of school band and track team uniforms.

SENATOR SPECTER:
3. Do you have to employ someone to write these guidelines or will you use a volunteer group from each section to set up the individual needs?

MS. HAMMOND:
3. Advisory Neighborhood Commissioners themselves are responsible for establishing guidelines and carrying out any projects undertaken by the Commissions.

OFFICE OF THE MAYOR

SENATOR SPECTER:
1. You have requested two additional positions, name these positions and state what the duties will consist of.

MAYOR BARRY:
1. These two additional positions will reinstate positions and funding for the Office of the Mayor for the two positions which were transferred out of the Office of the Mayor to effect the consolidation of the Press Secretary's functions and the Office of Communications. The new positions will fund the director's position in the Policy Office and a staff assistant. The director of the Policy Office is responsible for the formulation and coordination of policy development for the Government of the District of Columbia; the staff assistant will provide administrative and clerical support for the director of the Policy Office.

SENATOR SPECTER:
2. What are the new program requirements that you mentioned in your justifications?

MAYOR BARRY:
2. Chiefly those are duties involved in the functions of the newly created Office of Policy and Program Evaluation within the Office of the Mayor. (Those duties are delineated extensively in the Mayor's agency overview narrative which may be found in Volume I of the FY 1985 Budget under the Office of the Mayor submission, on Schedule 2a, page 4-3). Chiefly, as above, this office formulates and coordinates policy development and program evaluation for the Government of the District of Columbia.

OFFICE OF THE SECRETARY

SENATOR SPECTER:
1. What will the additional positions be? What will the duties consist of?

MR. SMITH:
1. The FY 1985 budget request for the Office of the Secretary includes three positions to provide support for the new records management functions in accordance with Mayor's Order 83-21, dated January 3, 1983, now delegated to the Secretary's Office. The positions are as follows: one DS-11 Records Manager, one DS-07 Staff Assistant, and one DS-05 Records Clerk. Records management functions were previously performed by and budgeted under the D. C. Department of General Services.

The duties will involve the administration and maintenance of a comprehensive records management program for the Government of the District of Columbia in its entirety.

SENATOR SPECTER:
2. You mentioned in your justifications that you are requesting $3,000 for term part-time positions. What will these positions be and how many positions can be funded out of this $3,000?

MR. SMITH:
2. The $3,000 budgeted for term part-time positions is to be spent to fund part-time salaries for employees hired -- such as student interns, or for temporary positions that must be established to meet with unforeseen contingencies for a brief period of time.

Office of Inspector General

Senator Specter:
1. You had 14 positions funded by the Federal government that were discontinued December 31, 1983, what happened to the people occupying those positions?

Ms. Blalock:
1. Only five of the positions were filled when the Medicaid Fraud Control Program (75% Federally funded) was discontinued. The five employees in these positions had appointments with terms that expire in calendar years 1984 and 1985. Based on instructions from the District's Office of Personnel that the unexpired terms of these employees should be honored, the Office of Inspector General retained the five employees and gave them new assignments where their skills could be used. This is a temporary arrangement for these employees until more permanent positions can be found or until the employees' appointments expire. The personnel costs of these employees during this period are being paid from savings and/or reprogrammed funds.

Senator Specter:
2. Did your office do a feasibility study to determine if contracting out to independent public accounting firms for the federally mandated financial and compliance audits would be less costly?

Ms. Blalock:
2. No. The responsiblity for management of the federally mandated financial and compliance audits was transferred by Mayor's Order from the Inspector General to the Controller of the District of Columbia in March 1982. The Controller was authorized by the Mayor's Order to select the auditors for these audits and given the option of selecting private certified public accountants or the Inspector General's staff. The Controller was designated the exclusive contracting officer of the District of Columbia (in agencies under the authority and control of the Mayor) for procuring the services of auditors under contracts to perform audits.

OFFICE OF THE PRESS SECRETARY

SENATOR SPECTER:
1. Two positions have been requested to be transferred from the Office of the Mayor to the Office of the Press Secretary. What are these positions? How will they help the function of this division?

MS. SAMUELS:
1. The two positions that have been requested to be transferred from the Office of the Mayor to the Office of the Press Secretary are the press secretary's position, DS-14, and the administrative assistant, DS-7. This request is being made as the result of the merger of the functions of the (former) Office of Communications with those of the Mayor's Press Secretary. The merger of these two offices and the increase of the two positions will enable the staff to expand their information services to the public and to the District government agencies in both range and frequency.

OFFICE OF INTERGOVERNMENTAL RELATIONS

SENATOR SPECTER:
1. The DS-11 position requested in your 1985 budget is to review District agencies' applications for federal grants before the agency submission to federal grantors. Will this be the only duty this person will perform? Do you have more than one reviewer?

MS. SCHNEIDER:
1. The DS-11 Grant Application Reviewer will function as the point of contact in the District government with the White House and federal agencies for all federal grants to the District government. This employee will also coordinate special projects--such as the District's bid to bring the 1984 Democratic National Convention to Washington.

At present there are no other grant application reviewers employed by the Office of Intergovernmental Relations. This function was previously performed by an employee of the Office of the Budget; that individual provided review for all federal grant applications made by District government offices and agencies.

OFFICE OF THE CITY ADMINISTRATOR
DEPUTY MAYOR FOR OPERATIONS

SENATOR SPECTER:
1. Are all of your present authorized 24 positions filled? Is this office functioning at its maximum capacity?

MR. DOWNS:
1. Yes. The scope and critical importance of the responsibilities carried by the City Administrator's office in administering District government operations places an enormous strain on staff personnel. In addition, the Mayor has increased the City Administrator's role and responsibilities from time to time. To meet these responsibilities, we've attempted to improve our internal productivity and effectiveness through greater use of micro-computer technology.

D.C. OFFICE OF PERSONNEL

SENATOR SPECTER:
1. The additional 11 positions requested will be assigned to what division of the Office of Personnel?

MR. HILLIARD:
1. Three of the requested positions are to be assigned to functions within Central Personnel Operations. The remaining eight positions are to be assigned to functions administered by the four Personnel Clusters that comprise Field Operations.

SENATOR SPECTER:
2. Name the different positions?

MR. HILLIARD:
2. The positions requested for Central Personnel Operations are:

DS-14 Supervisory Employee Relations Specialist
DS-14 Supervisory Position Classification Specialist
DS-12 Position Classification Specialist

The positions requested for Field Operations are:

DS-15 Associate Director of Personnel, Cluster I
DS-15 Associate Director of Personnel, Cluster II
DS-13 Supervisory Position Classification Specialist, Cluster II
DS-13 Supervisory Personnel Staffing Specialist, Cluster II
DS-12 Personnel Psychologist, Cluster I
DS-12 Personnel Psychologist, Cluster II
DS-12 Personnel Psychologist, Cluster III
DS-12 Personnel Psychologist, Cluster IV

SENATOR SPECTER:
3. With the additional employees, will the personnel division be able to function at a greater capacity? What additional duties will these individuals have to perform?

MR. HILLIARD:
3. The positions requested are to be utilized to convert 11 existing intra-District positions to appropriated status. Intra-District funding for these positions is expiring and replacement appropriated funds are required to continue these currently encumbered positions in FY 1985. Consequently, no additional employees will be realized by the Office of Personnel. Approval of the budget request will enable the Office of Personnel to continue the personnel program in FY 1985 at the existing level of service.

DEPARTMENT OF ADMINISTRATIVE SERVICES

SENATOR SPECTER:
1. In your justifications, the agency has a number of positions funded from intra-District revenues. What are these positions?

MR. GUTIERREZ:
1. The Department of Administrative Services provides services to other District agencies on a reimbursable basis; intra-District positions are used to hire employees to provide these varied services. The department employs Special Police who provide security services for various D.C. agencies that are not in buildings under the purview of the Department of Administrative Services. We also operate the D.C. Print Shop, which is responsible for the provision of printing services to the entire District Government on a reimbursable basis. These two areas make up 80% of our intra-District positions. The other 20% consists of custodial employees furnishing services in buildings not assigned to this Department, employees overseeing the energy conservation program, and administrative support positions which furnish budgeting, accounting, automatic data processing, etc., services to the foregoing programs.

SENATOR SPECTER:
1a. How long have these positions been funded from intra-District revenues?

MR. GUTIERREZ:
1a. These positions have been funded from intra-District revenues since they were initially established. Most of these positions have been funded on a reimbursable basis since approximately 1965.

SENATOR SPECTER:
2. Give a detailed description of how the agency expects to improve the mail service.

MR. GUTIERREZ:
2. A number of programmatic changes have been instituted in FY 1984 to provide better mail service to District agencies. We plan to continue to enhance the mail program in FY 1985 by replacing five of our worn-out vehicles that are constantly breaking down. This will reduce "down-time" thereby insuring prompt delivery of all city government mail. Additionally, there is a critical need to augment the existing staff of the

Communications Division, which has been understaffed for several years. We propose to fill a vacant unfunded position; this additional personnel will provide for faster sorting, metering and delivering of D.C. Government mail.

OFFICE OF FINANCIAL MANAGEMENT

SENATOR SPECTER:
1. Explain how the agency expects to improve processing time?

ALPHONSE HILL:
1. Processing time for the Financial Management System (FMS) is the time required to perform all of the programmed functions of the system in its overnight cycle and the monthly closing and reporting cycle. Because of design flaws, FMS requires an excessive amount of time for processing: the nightly cycle requires that the on-line system be terminated at 3:00 p.m. each day in order to process until the following morning. In other words, the system requires 18 hours to process the work entered during six hours of on-line time. The monthly cycle is likewise lengthy, requiring that the system be down entirely for two working days in order to complete processing and reports for the month.

The computer hardware and software used for this processing are likewise at fault: the equipment is obsolete, and will not process in ways which could overcome -- through parallel operations and improved systems software -- these design faults.

Replacement of the obsolete computers, together with other facilities improvements, will accelerate the current processing. The increased computer resources will also allow for the development of improvements to FMS itself to correct some of the design flaws and accelerate operations within FMS itself.

In this way, we expect to improve processing time in two ways: improving the internal processing of FMS, and improving the computer hardware on which FMS operates.

DEPARTMENT OF FINANCE AND REVENUE

SENATOR SPECTER:
1. Is there a fixed amount of audits for each year? If so, what method do you use to determine the amount?

MR. HUMBER:
1. The number of audits planned for each year is determined by the number of person hours available for audit activity and the planned audit emphasis. For Fiscal Year 1984, for example, 13,235 audits are planned and distributed by tax type as follows:

Tax Type	Number of Audits
Individual Income	7500
Corporations	1100
Sales/Use	610
Inheritance/Estate	2800
Personal Property	1225

BOARD OF ELECTIONS AND ETHICS

SENATOR SPECTER:
1. What are the three additional positions the Board anticipates hiring for the fiscal year 1985?

MR. FREMAUX:
1. The three positions include a professional Registrar of Voters to support the election services portion of the agency's operations, a personnel/payroll specialist to assist in the administration of the Office of Campaign Finance, and a Document Processing Supervisor to monitor and control the myriad of financial reports and statements filed with the Office of Campaign Finance.

SENATOR SPECTER:
2. With the additional positions granted to the Board in 1984, do you think that the staff requirement will increase each year? Has voter registration increased?

MR. FREMAUX:
2. The additional positions approved in 1984 were primarily clerical and were sorely needed to effectively and efficiently maintain the total voter registration system. With the acquisition of the Registrar of Voters and the restructuring of the election and support staff as outlined in the 1985 budget request, I feel the agency will have a viable organizational structure in terms of total election services. It should be noted, however, that over the past several years there has been an increasing requirement for temporary and intermittent workers both for election services and for campaign finance. The nature of this agency's work, and the volume of workload itself dictate a need for a competent, well-trained permanent force to operate effectively and meet all statutory deadlines. With the changes in staff size and configuration in 1984 and 1985, I feel we are approaching the proper level, although it will probably take one more year to make the determination that the staff capability and the workload have reached a stabilization point. With respect to voter registration, we are still in the midst of the registration revalidation project directed by legislative action in 1983. At the point of implementation we established two voter registration lists. One, the Master List, represented those voters who by virtue of their participation in a 1982 election or registration subsequent thereto, had met the requirements for revalidation. The other list, the Auxiliary List, represented those voters (or records) which required revalidation. Since implementation of the project in May 1983, the Master List has grown from 150,000 to the present level of 230,000. Part of the increase is due to a transfer of names from the Auxiliary List because revalidation requirements have been satisfied, but the bulk of the change represents new registrants. We expect the next substantial increase will come from the General Election in November 1984 at which time we will receive revalidation for numerous voters who traditionally vote only in Presidential elections, and whose names would currently be on the Auxiliary List. Having said all that, it is true that there has been an increase in voter registration for the District of Columbia, but of equal importance is the fact that there has been a significant increase in the accuracy and reliability of the Master List registration data and this is due in no small part to the use of the on-line registration system.

SENATOR SPECTER:
3. Give a description of how the on-line registration system works.

MR. FREMAUX:
3. Through the use of our own ADP equipment, we are able to have direct access through terminals, to the voter registration files. This permits almost instantaneous update to existing records, entry of new records, or deletion of invalid records. The computer process also virtually eliminates the past problems of record duplication. Then with an automatic daily update to the total file, and automatic issuance of voter registration cards to mail to the registrants, we are much more responsive to the needs of the electorate. With the several management reports on registration and associated statistics, we are also in a better posture to function professionally, thereby additionally enhancing our service to the voters of the District of Columbia. At present we also use the on-line system to provide instant registration verification on election day, should any questions arise at one or other of the 137 polling places. However, because of the current limitations of the equipment on hand, this vital service must be closed down halfway through the day to permit the ballot counting process to be activated. With the changes identified in the fiscal year 1985 budget request,we can not only improve on routine daily support to the electorate, but we will be in the optimum position of being able to operate the on-line system throughout the entire day during elections, while concurrently operating the ballot counting system.

PUBLIC EMPLOYEE RELATIONS BOARD

SENATOR SPECTER:
1. Do you think that the Board's caseload has increased or has it stabilized since the beginning of the Board's operation over the past few years?

CHAIRMAN WIRTZ:
1. Since its inception in 1980, the Board's caseload has stabilized. However, increased activity is noted now as the parties are beginning the second round of collective bargaining under the Comprehensive Merit Personnel Act. Accordingly, the Board anticipates a slight increase (10-20%) in its caseload during FY 1985.

SENATOR SPECTER:
2. How much of an increase in the workload would you think that the Washington Convention Center cause, if any?

CHAIRMAN WIRTZ:
2. This is a difficult projection to make at this time. To date, the Board has processed 4 cases which involve employees at the Washington Convention Center. All of these cases have involved representation issues, i.e., determinations of appropriate units for collective bargaining and determinations of majority status by the employees concerned. These employees are now engaged in negotiations which have probably not progressed to a point where issues requiring Board involvement have arisen. Based on our FY 84 experience, it is estimated that the Washington Convention Center will account for 5-10% of the Board's overall

FY 85 caseload and, consequently, for approximately 25-50% of the anticipated increase in the caseload.

SENATOR SPECTER:
3. It has been stated in your justifications that current staff will have to develop new areas and levels of expertise. How will they acquire this expertise? Do you have some form of training established for this?

CHAIRMAN WIRTZ:
3. The primary area in which the Board's staff will need to develop new areas and levels of expertise will be in representation elections. The Board has determined that it should have more direct involvement in the elections process and, therefore, that the staff should play a more active role in supervising election matters. While it is not anticipated that the staff will actually conduct elections in FY 85, it is anticipated that key personnel will receive a combination of formal training and on-the-job observation of the election process so that, in the future, more direct responsibilities may be undertaken. There are a number of private organizations, federal and public sector agencies which can provide such formal training. It is the Board's intention to make appropriate arrangements for such training in combination with providing opportunities for the direct observation of the elections process by the staff.

OFFICE OF EMPLOYEE APPEALS

SENATOR SPECTER:
1. What percentage of an increase will the computerized management system have on the production of cases from this office?

MS. BANKS:
1. It is difficlt to assess the total impact that a records management system would have on office productivity in terms of percentages; however, it is certain that an automated system will reduce the amount of time hearing examiners and clerical staff spend on performing routine tasks associated with adjudicating appeals, allowing more time for the actual writing and typing of appeals. Under OEA's current manual system for retrieving information, it takes an inordinate amount of staff time to track appeals and respond to inquiries from Constituents, the Mayor, City Council, and the Congress. A records management system would reduce the time it takes to respond to inquires and allow the Office to better utilize its staff in completing a final product. Also, the records management system would be instrumental in providing the quantitative data needed in preparing the Annual Report and budget justifications.

SENATOR SPECTER:
2. Since the Board reduced the number of meetings per year by 50 percent, how are all of these cases being handled? Do you now have a backlog or have you been able to maintain the same amount or more cases since the reduction in meeting?

Please explain how this process has worked during the '84 budget year.

MS. BANKS:

2. In FY 1984, OEA implemented an internal reorganization that resulted in an increase in the number of decisions submitted to the Board for review. Further, OEA received $64,000 of additional funding provided by an Intra-District budget transfer. This additional funding coupled with the office's internal reorganization, resulted in an increase in cases adjudicated by the Board. In the first 32 months of operation, extending from December 1, 1980 to July 31, 1983, OEA's productivity was approximately 4.3 appeals per month. In a 10.5 month period extending from August 1, 1983 to June 20, 1984, OEA's productivity increased to 14.9 appeals per month. In the 10.5 month period OEA adjudicated 159 appeals, approximately 44% of the total number of cases decided by the Office (363). As of August 1, 1983 there were 540 appeals pending adjudication in the office; as of June 20, 1984 there are only 383 appeals pending adjudication.

As a result of this increase in productivity, the Board recognized that a reduction in the number of Board meetings would negate any benefits to be derived from the office's increased productivity. By delaying the filling of vacant positions and through the implementation of the office's internal reorganization, OEA was able to restore Board spending to $35,000. Thus, it was unnecessary to reduce the number of Board meetings.

DISTRICT OF COLUMBIA RETIREMENT BOARD

SENATOR SPECTER

1. Has the Retirement Board been able to maintain the exclusive authority to manage pension trust funds for the City's fire fighters, judges, teachers and police officers?

MR. REYNOLDS

1. The Retirement Board was established as an independent agency of the District government with the exclusive authority and discretion to manage and control the assets of the three retirement funds. As such, since its establishment, the Board has discharged these responsibilities in a prudent manner, solely in the interest of the participants and beneficiaries and for the exclusive purpose of providing benefits to the annuitants.

SENATOR SPECTER

2. Has the Board decreased or increased any of their investments within the last year?

MR. REYNOLDS

2. The Board has increased its investments in FY 1983. The market value of its investments as of 9/30/82 was

$265,578,293. The market value of the assets a year later, 9/30/83, was $380,880,487.

SENATOR SPECTER
3. Can the Board withstand a decrease in the investments in order to maintain a financial stable fund?

MR. REYNOLDS
3. No. The Board's Statement of Investment Philosophy says it aptly. "In light of the significant level of unfunded liabilities of the Funds' that have been placed under the Board's management and control, the annual payment by the Federal government of amounts intended to finance, in part, previously incurred liabilities, the pay-as-you-go nature of the annual District of Columbia payments to the Funds, and the Board's legal obligation to manage the funds in a manner that emphasizes superior asset growth and earnings returns within reasonable levels of investment risk and consistent with anticipated liquidity needs".

SENATOR SPECTER
4. Explain how the Board will be able to decrease the budget by $400,000 below the fiscal year 1984 budget and be able to maintain the same quality of work.

MR. REYNOLDS
4. The District of Columbia Appropriations Act for FY 1984 appropriated $2,603,700 for administrative expenses of the Board, provided that $500,000 be derived from the District's general fund and $2,103,700 be financed from the earnings of the retirement funds. Since current retirement statutes compel the Board to use retirement funds assets only for the payments of retirement benefits and lump-sum reimbursement of employee contributions, the Board has submitted for FY 1985 a $3,337,000 operating budget request to be financed entirely from the city's general fund. The Mayor and the Council have recommended $100,000 of the Board's $3.3 million budget request be funded from the general fund with the remainder to be financed from retirement funds earnings. If this recommendation is accepted, the Board will not be able to discharge its fiduciary responsibilities of managing the assets of the three retirement funds in the prudent manner envisioned in the District of Columbia Retirement Reform Act (P.L. 96-122).

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

SENATOR SPECTER:
1. What type of computer service does the Council furnish to surrounding jurisdictions?

MR. SCHEIBER:
1. The Council of Governments (COG) maintains a state-of-the-art Computer Center that integrates data processing/word processing systems with an array of "user-friendly" software packages which enable both professional and support staff to essentially do their own programming.

Most local governments do not have a computer system of this nature. This type of system enables COG to perform managerial, professional, technical, financial, and support functions in a cost-effective manner with very high quality.

Through telephone links, COG provides these computing services to several of our member governments at lower costs than are possible elsewhere, thus resulting in significant savings to our member governments. Users of our computing system include the Council of the District of Columbia; the Prince George's County Executive Office; the Maryland Department of Transportation; the planning departments of the District of Columbia, Arlington, Alexandria, Fairfax City, Loudoun, and Prince William; the Alexandria Police Department; the Fire and Recreation Departments of Fairfax City; and others. COG's provision of special computer systems and training in the use of these systems meets many of the needs of these users at a very low cost.

In some cases local governments have used COG's computer system as a means of evaluating systems and applications prior to purchasing their own systems. In other cases local governments have made the determination that COG's system and training services meet special needs of their own programs more cost-effectively than could be provided by their own computer systems.

SENATOR SPECTER:
2. Is this service budgeted from the contributions or are they charged an additional amount to receive this service?

MR. SCHEIBER:
2. The computer and analytic services that COG member governments receive may be divided into the following two categories:

(1) Included in Basic Membership Contribution - All of the data collection and analyses that COG produces as part of its technical work program are provided at no additional cost to COG members. This includes projections of population, households, and employment and data collection and analyses of environmental, transportation, community and economic development issues and programs; and (2) Services Provided on a Reimbursable Basis - Special analyses requested by an individual member jurisdiction are provided by COG on a cost-reimbursable basis. As mentioned in question number one above, these services are provided at an extremely low costs.

SENATOR SPECTER:
3. Do you think the Council has progressed enough to handle a major crisis to avoid the problems we had a few years ago with the Air Florida crash and the Subway crash? Can you explain a few of the techniques that you have or plan to initiate if this does occur again?

MR. SCHEIBER:
3. COG has made significant progress in strengthening regional emergency responses to a major crisis through the development and implementation of an emergency response action plan, "The Greater Metropolitan Area Police, Fire/Rescue Mutual Aid Operational Plan." This Operational Disaster Plan provides the mechanism for

coordination and on-scene management for all appropriate local, state and federal emergency services providers in the metropolitan Washington area. The Mutual Aid Plan is designed to respond to all types of major incidents. If such an incident occurred today, the Plan would be initiated by the police and fire/resuce jurisdictions and organizations involved in the crisis. It provides protocols to be observed by all responding units which deal with common definitions; criteria and procedure for requesting assistance; the use and deployment of personnel; command and control; air response; command and control; communications; identification of personnel; and, withdrawal of assistance.

STATEHOOD CONSTITUTIONAL CONVENTION

SENATOR SPECTER:
1. Your budget request is for $25,000 over your fiscal year 1984 budget. What was the purpose of your increase when you decreased your budget by $75,000 in the fiscal year 1984 budget?

MR. CASSELL:
1. The FY 1984 appropriation for the D. C. Statehood Constitutional Convention was insufficient to provide staff and other resources necessary for execution of the Convention's responsibilities as prescribed by law (D. C. Law 3-171).

That appropriation request was not developed by the Convention nor did it participate in its development. It was prepared, therefore, without apparent understanding of the resources needed to carry out the Convention's functions as mandated by law.

The Convention would have requested an appropriation of $150,000, which would have been consistent with its budget for fiscal years 1982 and 1983.

SENATOR SPECTER:
2. You did not request any temporary or permanent employees, does that mean you still contract out all of your work?

MR. CASSELL:
2. In the interest of economy of operations and the dedication of all of its limited resources to the materials and programs for support of D. C. Statehood, the high percentage of funds consumption resulting from paid staff has been avoided. Contract services are used for graphics, printing, reproduction, supply acquisition and other services associated with forums, statehood support solicitation, communication with delegates and the citizenry, and statehood receptions, etc.

Administrative services are provided by Convention delegates and by the D. C. government without cost to the Convention.

OFFICE OF PLANNING

SENATOR SPECTER:
1. Give some details on how the staffing will strengthen the ward planning effort.

MR. GREENE:
As effort on the production of the Comprehensive Plan wind down, emphasis will shift to implementation of the plan. A major part of that process will be development of plans and development strategies for sub-sections of the city including wards and designated special treatment and development opportunity areas within wards. Once the Land Use Element of the Plan is completed part of the staff of the Long Range Planning Section, which was responsible for its preparation, will be shifted to work on ward and small area plans. This shift is part of an overall team approach which will include staff from other units--Area Planning, Urban Design and Data Services--in a coordinated and integrated ward planning effort. In addition, the new Supervisory Community Planner position will be used to help provide overall direction as well as technical input to the ward and area planning program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SENATOR SPECTER:
1. How do you compare the collection of unpaid rent for 1983 and 1984? Is it better or worse?

MR. CLAY:
1. During FY 1983, we collected $11,327,479 in current and delinquent rent, and during the first six months of FY 1984 (through March 31, 1984) we collected $5,905,728 in current and delinquent rent. If the same rate of collection continues for the balance of 1984, our collections will total $11,811,456, representing a 4.3% increase from 1983 to 1984 in total collections.

SENATOR SPECTER:
2. What type of plan did you initiate to collect past due rent?

MR. CLAY:
2. Our Department has made a major commitment to improving our rent collection effort for public housing. Our plan can be summarized as follows:

° Actual rent collection has been fully decentralized to the property level (as of March 1, 1984), which allows each property manager to have an immediate accounting of any delinquencies.

° A new Rent Collection Monitoring unit was established in January 1984, with special responsibility for monitoring delinquent rent collections and other special collection efforts (e.g., District employees, welfare recipients).

° New procedures have been developed for manual reconciliation of delinquent rents.

° A DHCD automation plan has been developed, and a consultant is now on board to develop specific requirements for system hardware, software and related procedures, with initial implementation of automation of tenant accounts scheduled for September/October of 1984.

° Progress in the January to March 1984 period of 5% reduction in the number of tenant accounts delinquent over 1 month and a 7% reduction in tenant account receivables for active tenants.

One of the principal reasons for the continued high delinquencies was the lack of any evictions obtained over the past several years. The recent effort of the U.S. Marshal to clear up the backlog of eviction writs is expected to have a positive impact on our rent collection efforts.

The combination of this with our improved manual rent collection procedures, and the automated system scheduled for the end of this year, should result in a dramatic improvement in our delinquent rent collection record over the course of this year.

SENATOR SPECTER:
3. Has the number increased or decreased that apply for Low-Rent Housing Subsidy?

MR. CLAY:
3. The current waiting list for public housing is 13,209 households, which represents about a 25% increase over the last year.

SENATOR SPECTER:
4. Has the Department been able to maintain in standard condition all public housing occupied? If not, why not?

MR. CLAY:
4. The public housing stock in Washington has many serious deficiencies, which is partly a function of the age of the housing and partly a function of inadequate funds to adequately maintain the housing on a day-to-day basis. During the 1970's, public housing ran on a deficit basis, because of the inability to collect all rent due and the inadequacy of Federal operating budget subsidies. This meant that maintenance activity and preventive repairs were deferred, and the quality of housing declined severely. Since Mayor Barry took office, a major commitment of city funds has been made to supplement the inadequate subsidies available from HUD. For the period of 1981 through 1984, District appropriated funds of $18.2 million have been allocated to operating subsidies, providing a 20% add on to the $89.1 million of operating subsidies from HUD for the same period. This has greatly improved our regular maintenance capabilities. In the area of major renovation, during the 1981 to 1984 period, the city has supplemented HUD allocations of $56.9 million of Comprehensive Modernization with $57.3 million of capital improvement funding. Thus, supplemental funding from the District Government has begun to turn around the quality of public housing here in the District. I would say, however, that we have several more years of special effort before all of the major public housing condition problems can be corrected.

DEPARTMENT OF EMPLOYMENT SERVICES

SENATOR SPECTER:
1. The justifications stated that 81 percent of the increased budget request will be used to fund local jobs and training subsidies. State what type of training will be funded with this money.

MR. SHANNON:
1. Our Youth Employment Act (YEA) programs are comprised of five distinct components.

In the Out-of-School program participants aged 16 to 24 are primarily engaged in work experience activities in both the public and private sectors. In addition, educational remediation in both math and reading skills are provided to better prepare them for entry level jobs upon completion of the program.

In the Summer Youth program the major activity is work experience for youth 14 to 21 years of age. Emphasis is placed on remediation of basic math and reading skills for 14 and 15 year olds.

In our In-School program the major training activity is work experience of 10 to 15 hours per week for 14 to 21 year olds. Most of the work experience is related to the youth's area of interest and future career goals.

Our Adults-with-Dependents participants aged 22 or older are engaged in on-the-job training with employers throughout the city in various occupational areas. The department pays 50 percent of the wage up to $5.00 per hour, with the employer paying the remaining 50 percent.

In the Training and Retraining program participants aged 16 and above receive classroom training in various occupational skills. Training is directed toward high demand occupational areas.

Our overall training is planned to provide the basic and necessary skills and attitudes required for the individual to obtain and keep a job after training.

SENATOR SPECTER:
2. What type of success have you had with this type of project over the past 3 years?

MR. SHANNON:
2. Over the last three years our success has improved. In the Adults-with-Dependents program, 45.7 percent of our participants in FY 1982 and 49.8 percent in FY 1983 were placed in continued employment. For FY 1984, we expect to place over 50 percent of the participants into unsubsidized employment.

In the Out-of-School program, 19.6 percent of the participants in FY 1982 and 28.8 percent in FY 1983 were employed after completion of the program. In FY 1984 we expect to place over 32 percent of the participants.

The Training and Retraining program is in the second full year of operation. In FY 1983 we placed 28.8 percent of the participants and expect to place 40 percent in FY 1984.

Each year we have improved our placements resulting from participation in these programs and we hope to continue this trend.

The In-School and the Summer Youth programs are not placement-oriented programs, but provide youth with meaningful work experience. This has proven most successful in encouraging and enabling youth to remain in school. Our Summer Youth program has been recognized by the Department of Labor as one of the top summer employment programs in the country.

SENATOR SPECTER:
3. How many individuals started this program, completed this program over the past 3 years?

MR. SHANNON:
3. In the last two fiscal years (FY 1982 and FY 1983) and eight months of FY 1984 the District of Columbia has served 31,683 participants through the five components of the Youth Employment Act Program. Of this figure, 27,629 participants or 87 percent successfully completed the programs.

SENATOR SPECTER:
4. Are all of these individuals under-privileged or are they just presently unemployed? What requirements do you have to have in order to qualify for this program?

MR. SHANNON:
4. Over 80 percent of the participants in the program are economically disadvantaged and most of the participants are unemployed except for the in-school and summer youth who are not considered in the labor force at the time of enrollment. The eligibility for each program is as follows:

Training and Retraining Program

- Resident of District of Columbia, 16 years of age or older;
- 12 years of education or separated from a formal education system for more than 30 days; and
- Unemployed for 30 consecutive days prior to application or have received a notice of termination from place of employment.

Adults-with-Dependents Program

- Resident of the District of Columbia, 22 years of age or older;
- Have one or more dependents; and
- Unemployed for 30 consecutive days prior to application.

Priority in these two programs is given to residents who are unemployment compensation claimants, welfare recipients, economically disadvantaged, public housing residents, and others with special needs, such as handicapped individuals, non-English-speaking persons, and ex-offenders.

Out-of-School Program

- Resident of the District of Columbia, 16 through 24 years of age;
- 12 years of education or separated from a formal educational system for more than 30 days; and
- Unemployed for at least 30 days. Priority is given to the economically disadvantaged and public housing residents.

In-School Program

- Resident of the District of Columbia, 14 through 21 years of age; and
- A full-time high school student. Priority is given to the economically disadvantaged and those identified as potential drop-outs.

Summer Youth Program

- Resident of the District of Columbia, 14 through 21 years of age. Priority is given to economically disadvantaged youth.

OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

SENATOR SPECTER:
1. Has there been a trend from 1981 to 1984 of tourism within the District? Chart a trend by each year showing either an increase or a decrease in tourism.

MR. HOLMAN:
1. There has been a general upward trend in tourism from 1981 to 1983. See the chart.

Chart 1: Trend in Tourism

	1981	1982	1983	1984
Visitors to Most Popular Sites (millions)	22.0	22.5	25.8	N/A
% increase, year to year		+2.3%	+14.7%	N/A

SENATOR SPECTER:
2. How productive is your office in securing new and maintaining businesses in the District?

MR. HOLMAN:
2. FY 1984 activities to date have directly impacted the decisions of an estimated 75 private companies to expand or stay here. Of this number, 40 companies have been assisted, directly or indirectly, through District business loan assistance running directly to the individual companies. The other companies have been attracted or retained through District assistance to developers of multi-tenant facilities. New taxes estimated to result from these results are $2,000,000 per year.

SENATOR SPECTER:
3. Do you give any special consideration to businesses to maintain their establishments here in the District?

MR. HOLMAN:
3. The District has available several business credit assistance programs which can be utilized to assist businesses in financing new or expanded facilities here in the city. In a number of instances, the availability of these programs has retained businesses here which would otherwise probably have left the city. The programs include the SBA "503" program, the D.C. Revolving Loan Fund, and the UDAG program. Also, Capital Improvements Budget funds can be utilized to improve the infrastructure and physical efficiency and appearance of business areas. These funds are targeted to areas where we believe businesses are seriously considering relocation out of the city. Finally, the District attempts to resolve rapidly any public service problem brought to our attention by a D.C. business.

MINORITY BUSINESS OPPORTUNITY COMMISSION

Senator Specter:
1. How effective is the set aside program for minority businesses?

Mr. Jameson:
1. The sheltered market program has provided a opportunity for minority businesses to obtain a market share of District Government contracts. The effectiveness of the program is demonstrated by the obligation of over $160 million in contracts for fiscal year 1983 representing 47 percent of the total contract dollars awarded in FY 1983.

Senator Specter:
2. Are these programs monopolized by a few contractors or do they all at some point receive contracts from the District?

Mr. Jameson:
2. An analysis of the vendor file for FY'82 revealed that approximately 250 certified firms received payment from the District Government.

Senator Specter:
3. What efforts are put into this program to make sure minority businesses know about the opportunities available to them?

Mr. Jameson:
3. The Minority Business Opportunity Commission has published an quarterly Opportunity Newsletter which is circulated to all certified firms. In addition, the Department of Administrative Serviceshas recently installed a telephone information line which announces all pending contracts.

D.C. Housing Finance Agency

SENATOR SPECTER:

1. What is the lending rate for residential loans under this program?

MR. ZUNIGA:

1. The program currently provides for fixed interest rate residential mortgages of 30 year term. Interest rates would be established when loans are sold to fund the program and are typically two to three percent below conventional rates.

SENATOR SPECTER:

2. Do you finance at a below market rate for homeowner that meet certain standards or is this program set up for rehabilitation purposes only.

MR. ZUNIGA:

2. The program provides homeownership opportunities for first-time homebuyers meeting certain income and purchase price limitations. The Agency will purchase loans from local lenders who will originate and service the loans based on the Agency's program guidelines. A separate home improvement loan program is planned to provide funds for renovation by existing homeowners.

PUBLIC SERVICE COMMISSION

SENATOR SPECTER

1 Exactly where is the cable franchise standing. Please give and update on this issue.

MRS. HANKINS-NESBITT

1 The Cable Design Commission submitted a report to the City Council. The report indicated that all three bidders for the franchise, Capital City Cable, District Cablevision, Inc., and District Telecommunications Development Corporation are all qualified to offer cable services in the District of Columbia. The Committee on Public Services and Cable Television held hearings to take testimony on which bidder should be awarded the franchise. On Wednesday, June 20, 1984, the Committee voted to recommend to the full Council that Capitol City Cable be awarded the cable franchise in the District of Columbia. The full Council will vote on the matter in due course.

DEPARTMENT OF HUMAN SERVICES

SENATOR SPECTER:

1. Last year you testified that there were 2,138 children in the District's foster care system, and that children spent an average of 7 years in the program before being adopted. You also stated that new initiatives would "significantly reduce" the length of time spent in foster care prior to adoption. What have been the accomplishments of these new initiatives and what is the average time in the program today.

MR. RIVERS:

1. The new initiatives discussed last year included the realignment of Child Protective Services and Residential Care Services to form the Child and Family Services Division. Under this new direction, 728 children have been returned to their birth parents, relatives or moved to independence as compared to 483 the previous year.

The Administrative Review Office was established in FY 1982 in compliance with the Federal Law P.L. 96-272, "Adoption Assistance and Child Welfare Act of 1980," to insure a systematic review of case plans and goals for children every six (6) months. During FY 1983, 714 administrative reviews were held involving 1,328 children.

This review process involved agency reviewers, independent reviewers, the children, relatives, foster parents and significant others. The Administrative Review process enhanced the newly aligned Division's ability to provide family focused services by bringing family members together to participate in planning for children in care.

The new method for training and recruiting potential foster and adoptive homes has been very successful. It has provided a more effective way to train families and increase our resources of both adoptive and foster homes; the new process has produced 27 new foster homes and 24 new adoptive homes.

The purchase of the adoption project, which began in October 1982, contracts with a consortium of agencies in the private sector to provide adoptive homes for difficult to place children; the project has been very successful - 24 children have been placed through this process. This public-private partnership has enhanced the District's ability to provide for this special population.

Even though these initiatives have been very successful, statistics are not available to determine what the average time in foster care is for those children who left care as a result of them. This information must be hand tabulated and can be gathered over a period of several weeks.

SENATOR SPECTER:

2. One of the programs taken over in 1984 is the drug and alcohol programs at Saint Elizabeths. What is the status of that transfer?

MR. RIVERS:
2. As of April 11, 1984, the Alcohol and Drug Abuse Services Administration (ADASA) put in place a private sector contract to run the alcohol and drug programs. As of May, the program was fully operational. The transition from the federal government to the district government was smooth with only minor inconveniences to the clients who were in the program. Initially, under the federal government, the alcohol and drug programs were in separate buildings; with separate staff and operating costs. However, through an agreement with the federal government, we have secured a building of sufficient size to house both programs. This arrangement afforded the District government an opportunity to maximize its resources and provide an even higher level of quality services to the Area D residents who suffer from substance abuse.

SENATOR SPECTER:
3. Do you plan to outplace any additional patients from Saint Elizabeths Hospital, beyond those outplaced in fiscal year 1984, if so what type and what is the cost?

MR. RIVERS:
3. In FY 1984, as of June 18, 123 Saint Elizabeths Hospital patients have been newly placed in nursing homes. Long Term Care expects to place an additional 58 patients in special placement nursing homes. The costs for the nursing home placements are covered in the Medicaid Reimbursement Plan. It appears that this initiative has exhausted the number of patients eligible and appropriate for nursing home placements. In FY 1985, it is projected that the regular nursing home placements from Saint Elizabeths Hospital will continue at an average of four or five referrals and placements per month.

The Mental Health Services Administration, through contracts, will move 50 inpatients to community residential facilities. These 50 "difficult to place" patients will have a service management contractor to ensure the coordination and availability of services and, where appropriate, to make placements at cooperating nursing homes.

During 1985, additional patients may be placed in community residential facilities through supportive services contracts or through special incentives for personal care patients. The additional cost of these patients would be approximately $4,500 per year beyond existing Supplemental Security Income (SSI) or other supplemental payments. The additional funds would be for the facility operation and service management contractor and/or the upgrading of the physical plant to provide for personal care patients. The supplemental allowance for personal care patients in CRFs has been estimated at $200 per month per patient.

SENATOR SPECTER:
5. Efforts were also being considered to capture full revenue from medicare, medicaid and third party payers. What has been the result of that effort? Please be specific, for instance what percentage were you capturing last year this time and now?

MR. RIVERS:

5. Efforts have been implemented to capture more revenue from all payment sources on behalf of services rendered at the Department of Human Services facilities. Results of the efforts in terms of collections/revenue are outlined below:

Cumulative through:	May 1983	May 1984
Medicare:	$ 125,977	$ 53,585
Medicaid:	11,442,857	13,593,430
Insurance/third party	240,044	566,344
Individual Pay:	1,727,299	2,429,766
Totals:	$13,536,177	$16,643,125
RATE OF INCREASE:		$ 3,106,948 (22.9%)

SENATOR SPECTER:

6. Last year you reported that the expected GPA caseload was 5,000 monthly. What has been the experience to date?

MR. RIVERS:

6. For the period October, 1983 through May, 1984, General Public Assistance (GPA) benefits have been paid to an average monthly caseload of 5,463 at an average cost of $1,094,000 per month.

SENATOR SPECTER:

7. The committee included an additional $900,000 to $1.9 million requested in 1984 for the vocational rehabilitation program in order to restore this program to its 1981 level. What is the status of that program in the 1985 budget?

MR. RIVERS:

7. The inclusion of an additional $900,000 in 1984 has allowed the provision of vocational rehabilitation services to an estimated 9,900 persons with disabilities; a large percentage of which are severely disabled. These funds have been expended exclusively for direct services to clients. It should be noted, however, that the budget authority for the Rehabilitation Services Administration's (RSA) personnel costs is provided from the federal grant. These grant awards have remained basically static for the past few years and salary increases have been absorbed within the grant, resulting in less funds for direct services to clients. Additionally, inflation of the cost for purchased services has created a further drain on the federal dollar. The Administration has requested for FY 1985 an increase of $564,017 in appropriated funds to serve 10,457 persons with disabilities which constitutes a 6% increase over FY 1984. The total requested appropriation will: (1) offset RSA's projected cost increase associated with purchased services; (2) provide funds for anticipated caseload increases in the program's counseling, training, maintenance and other services; and, (3) preclude the implementation of the Order of Selection policy which provides for first priority to be given to the most severely disabled in the provision of services beyond eligibility determination.

SENATOR SPECTER:

8. The committee also recommended that the $164,700 budgeted for the Disability Determination Division be reallocated to cause

service areas since this program is funded by the federal government at 100 percent. What has happened with those funds, what does the 1985 budget contemplate?

MR. RIVERS:

8. A redirection of $165,000 from the Energy category, Object Class 30, in the Disability Determination Division (VRST) to the Administrator's responsibility center (VRVR) was effected in the FY 1985 Budget. This redirection will increase funds available to cover energy costs for the Rehabilitation Services Administration.

SENATOR SPECTER:

9. The 1985 budget contemplates the establishment of divisions for Alternative Detention and Community Services. What programs will these divisions operate and what is the current caseload of each type of program and what is the anticipated caseload.

MR. RIVERS:

9. The Alternative Detention Division includes programs previously administered by the Community Care and Aftercare Divisions, and will operate all programs supervising detained youth in the community. The Community Services Division has responsibility for committed children, and provides a restitution and treatment program for children to be supervised in their own homes; assists contractors in serving committed children; and provides reintegrative services for children released from Oak Hill.

Current and anticipated caseloads for these Divisions and programs are as follows:

	FY 1984	FY 1985
Alternative Detention		
Home Detention	500	500
Shelter Homes	300	480
Community Services		
Aftercare	300	200
Restitution Project	100	100
PINS Group Homes	181	175
Committed Group Homes	126	140

SENATOR SPECTER:

10. The Alcohol and Drug Abus[illegible]ministration will be increased by $6,334,000 in order to handle the 89 persons being transferred to its control from Saint Elizabeths Hospital. Yet the estimated alcohol abuse clients remain unchanged. Please explain?

MR. RIVERS:

10. First, Mr. Chairman, allow me an opportunity, as a matter of record, to explain the Alcohol and Drug Abuse Services Administration's (ADASA) $6,334,000 increase. An amount of $2,100,000 will pay for the 89 bed residential program and for an outpatient/aftercare program; $1,300,000 will underwrite the cost of an inpatient detoxification program; $700,000 will pay for facility related cost and for food services at the program. In addition, $2,234,000 will fully fund incumbent positions, hire key

management and direct service positions, and provide sufficient funding for operating costs.

It should be noted that the data supporting budget preparation was submitted prior to the Saint Elizabeths transfer initiative coming into being. As a result, the clients being served by the 89 residential beds, the 100 slots for the outpatient aftercare unit and the hospital 10 detox beds, are not included in the budget documentation.

SENATOR SPECTER:
11. The alcohol program measures reported indicate a reduction of 2000 inpatients treated since 1982 with no increase in the outpatient and residential caseload. How many individuals have been denied help or referred to other sources because of a lack of program space? Have other services picked up any slack that may have existed?

MR. RIVERS:
11. During the period between FY 1982 and FY 1983, no individual was denied inpatient treatment in the Bureau of Alcohol Treatment's residential facilities. The public acknowledgement of the relocation of the Rehabilitation Center for Alcoholics (RCA) from Occoquan, Virginia to the District of Columbia had a tremendous impact on the number of patients requesting inpatient treatment. Many of those who had no desire to abstain from the use of alcohol would spend their nights in the city shelters. In a survey made of the Blair and Pierce Facilities, approximately 40% of those persons were former RCA patients.

In July 1983, approximately 100 patients were relocated from RCA, Occoquan, Virginia to the Detoxification Center and the Mary E. Herring Treatment Program. Domiciliary type patients (150) were placed with relatives or at Hope Village, D.C. Village, Martinsburg, West Virginia VA Hospital; VA Medical Center, Hampton, Virginia; House of Ruth (Females) and Foster Home Facilities. Those patients completing the program were discharged to the community with outpatient referral. However, many did not follow through to clinic placement.

SENATOR SPECTER:
12. How does ADASA determine the eligibility of a person for its program?

MR. RIVERS:
12. The Hagan Act (Public Law 90-452) of 1968 mandates a continuum of appropriate treatment services to intoxicated persons and chronic alcoholics.

The Alcohol Inpatient Detoxification Center admits any intoxicated person that volunteers or is brought by the police and who does not display other acute medical problems.

The D.C. Register on Methadone for Treating Narcotics Addiction dated Friday, September 19, 1980 sets forth the following eligibility criteria for clients in need of treatment for drug addiction:

> "Persons applying for admission to ADASA drug and alcohol treatment programs are screened at the Central Intake Division by professional staff who evaluate their physical, psychological and motivating factors before referrals are made.
>
> A person may be selected as a patient for drug treatment regardless of age, if a program physician determines that the person is in need of ADASA's services."

SENATOR SPECTER:
13. What is the success rate in its alcohol and drug programs and how do you measure that?

MR. RIVERS:
13. During previous years and due to continuous dwindling of resources, the Alcohol and Drug Abuse Administration (ADASA) was not able to formalize a measure to effectively indicate a success rate. Most positive information was derived through former patients visiting facilities, participating in Alcoholics Anonymous, Narcotics Anonymous and knowledge of successful employment placement. However, ADASA realizes the need and does plan, as one of its future priorities, a structured Follow-up and Case Management System which would generate statistical data to measure program success.

SENATOR SPECTER:
14. Please explain the increases in staff in the Family Services, Income Maintenance, Mental Retardation and Youth Services Administrations.

MR. RIVERS:
14. Family Services increased staff is needed for administering expanded legal access for protective services to adults and foster care caseloads, and for a special project to develop new services at foster care intake to reduce the possibility of entry into the neglect system.

Additional positions are needed in Income Maintenance to account for the reorganization of Decentralized Service Center managers from the Commissioner's Office, and the transfer of administration of the Emergency Assistance Program from Family Services. New positions are needed to improve processing of Medicaid and General Public Assistance applications and reapplications, and for employment of handicapped clerks referred from the Mayor's Committee on Handicapped individuals.

Mental Retardation position increases are actually caused by the transfer of staff from the Bureau of Habilitation Services, formerly known as Forest Haven. These transferred staff will provide casework services in community-based settings and in the Developmental Service Center.

Youth Services increased positions are needed to supplement the guard force at the maximum security Oak Hill facility, and for social service staff needed to implement fully the community restitution and treatment programs in the Community Services Division.

SENATOR SPECTER:
15. The Office of the Chief Medical Examiner shows a total budget request of $1,174,000 and 32 positions for 1985. This represents no increase in staff and less than a 2 percent increase in funds. How many of the current positions are filled? How many of the doctors are forensic pathologists as opposed to pathologists?

MR. RIVERS:
15. The budget request for the Chief Medical Examiner's Office is $1,287,000 and 34 positions for 1985. This represents an increase of 2 positions and 11.6 percent budget increase. There are currently 34 filled positions; 29 of those are authorized and five were provided by the Director to meet the Chief Medical Examiner's request for four additional autopsy assistants and one Coroner. These five positions and funding are from other sources within the Commission of Public Health. We have four doctors in the Chief Medical Examiner's Office; all are forensic pathologists.

SENATOR SPECTER:
16. How many of these positions are filled with persons in an acting capacity and list the vacant positions?

MR. RIVERS:
16. The Chief Medical Examiner is the only person in an acting capacity. The vacant positions are as follows:

Chief Medical Examiner
Deputy Chief Medical Examiner
Staff Assistant

SENATOR SPECTER:
17. According to press accounts, a study was to be undertaken concerning an exemption from the City's residency requirement. What are the results of that study.

MR. RIVERS:
17. A study, initiated by the Department of Human Services in September 1983, was conducted specifically to develop a salary comparison for medical examiner functions in other U.S. jurisdictions, based on a sampling of twelve urban cities in the four geographic regions. Additionally, the Department prepared for submission to the D.C. Office of Personnel's Residency Review and Exemption Committee, a request for waiver of the D.C. Residency requirement for the position of Forensic Pathologist Medical Officer - DS-602. In this submission, it was stated that the residency requirement "will discourage application by all but District residents and persons willing to move into Washington." However, inasmuch as the Department is currently recruiting for two such positions in the Office of the Chief Medical Examiner, it has not been determined that the residency requirement has been a deterrent to the amount or quality of applications received. It is felt that the salary level is the most significant deterrent. Therefore, the decision to further pursue the residency waiver is pending the outcome of the on-going recruitment efforts.

SENATOR SPECTER:
18. Also being analyzed was the salary levels of other medical examiners. Please provide a listing of the salary structure in the

District's Medical Examiner's Office and those of comparable cities, and other doctors employed by the district and federal governments.

MR. RIVERS:
18. The salary structure in the District's Medical Examiner's Office is as follows:

Position Title	Grade	Salary
Chief Medical Examiner	DS-17	$63,700
Deputy Chief Medical Examiner	DS-16	63,700-59,883
Medical Officer (Coroner)	DS-15	63,700-59,568
Chemist	DS-13 - DS-09	47,749-21,299
Administrative Officer	DS-12	40,158-30,888
Medical Technologist	DS-09 - DS-07	30,490-17,410
Staff Assistant	DS-09	27,698-21,299
Maintenance Mechanic	RW-09	24,460-20,966
Autopsy Assistant	DS-08 - DS-03	25,072-11,193
Administrative Aide	DS-07	22,639-17,410
Secretary	DS-07	22,639-17,410
Clerk Typist	DS-05	18,284-14,054
Janitor	RW-03	16,723-14,331

The salary and staffing comparsion, as of March 1984, for Medical Examiners in eleven other U.S. cities in the four geographic regions are as follows:

Location	Position and Number	Salary
Dallas, Tex.	Chief Medical Examiner	$101,120
	Deputy Chief Medical Examiner (1)	83,188
	Medical Examiner (1)	59,392 62,696
Miami, Fla.	Chief Medical Examiner	80,600
	Deputy Chief Medical Examiner (1)	63,080
	Medical Examiner (3)	58,379
Seattle, Wash.	Chief Medical Examiner	78,807 to 86,599
	Deputy Chief Medical Examiner (1)	71,747 to 80,683
San Antonio, Tex.	Chief Medical Examiner	80,928
	Medical Examiner (1)	76,140
	Pathologist (1)	73,740
San Francisco, Ca.	Chief Medical Examiner	75,012
	Medical Examiner (2)	61,128
Jacksonville, Fla.	Chief Medical Examiner	75,000
	Medical Examiner (1)	70,000
Philadelphia, Pa.	Chief Medical Examiner	74,956

Location	Position and Number	Salary
Richmond, Va.	Chief Medical Examiner	$50,936 (22,680)**
	Deputy Medical Examiner (5)	52,993 to 72,358
Atlanta, Ga.	Chief Medical Examiner	66,996
	Medical Examiner (1)	60,000
Baltimore, Md.	Chief Medical Examiner	59,200
	Medical Examiner (4)	
Pittsburgh, Pa.	Chief Medical Examiner	48,187
	Coroner (1)	30,000

**Special Bonus

The salary level of other doctors employed by the District government is as follows:

Grade	Salary Range
DS-11	$33,499 - $41,221
DS-12	40,158 - 49,428
DS-13	47,749 - 58,765
DS-14	53,532 - 63,700
DS-15	59,568 - 63,700
DS-16	59,883 - 63,700
DS-17	63,700 - 63,700

The Federal government employs three types of doctors. The following list includes the type, grade and the salary range for each:

TYPE OF DOCTOR	GRADE	SALARY
Clinical	GS-11	$31,861 - 39,214
	GS-12	38,185 - 46,996
	GS-13	45,406 - 55,882
	GS-14	52,285 - 64,669
	GS-15	56,645 - 71,202 (limited to 66,000)
Non-clinical	GS-11	29,854 - 36,928
	GS-12	35,781 - 44,259
	GS-13	42,546 - 52,624
	GS-14	47,627 - 59,534
	GS-15	54,495 - 65,642
Research	GS-11	31,044 - 38,397
	GS-12	37,306 - 46,017
	GS-13	44,242 - 54,718
	GS-14	49,533 - 61,977
	GS-15	53,407 - 67,969 (limited to 66,000)

DEPARTMENT OF HUMAN SERVICES

Foster Care Tracking System

SENATOR SPECTER:
1. What is the projected date for reducing the foster care caseload to the legal level?

MR. RIVERS:
1. The Foster Care Goals Act of 1983 established goals for children in Foster Care for two years or more for fiscal years 1983 and 1984. This legislation stipulated that not more than 1,343 children in this category should be in care as of September 30, 1983 and not more than 1,283 children as of September 30, 1984.

The District fell short of the 1983 goal by 83 children. We project that we will meet the 1984 goal because of the acceleration of new initiatives such as the Bridge Programs, which provide services that prepare youths for independence, and the continuing initiatives, such as purchase of adoption services.

SENATOR SPECTER:
2. How many children have the permanent plan of adoption?

MR. RIVERS:
2. There are 285 children with the goal of adoption.

SENATOR SPECTER:
3. How many children were adopted in 1983?

MR. RIVERS:
3. The number of children adopted in 1983 was 85.

SENATOR SPECTER:
4. How many foster children have been reunited with their natural parents?

MR. RIVERS:
4. During FY 1983, three hundred and eighty four (384) children were returned to parents or relatives.

SENATOR SPECTER:
5. What are the three major reasons for natural parents placing their children in foster care?

MR. RIVERS:
5. The three major reasons for natural parents placing their children are: (1) parental drug or alcohol addiction, (2) parental emotional problems and (3) children who were left alone by parents.

SENATOR SPECTER:
6. What is the highest monthly cost for a single child placed in a traditional foster home? Is this cost higher than an AFDC payment for a single child?

MR. RIVERS:
6. The highest cost for a normal child in a traditional foster home

is $269.04, for a child under 12 years, and $282.11 for a child over 12 years of age.

The AFDC payment for one child is $189.00 per month.

SENATOR SPECTER:
7. How many children reside out of "State" in private homes, group homes and institutions?

MR. RIVERS:
7. There are no foster care children residing in out of "State" private homes. Foster children, placed out of the District of Columbia Metropolitan Area, reside in foster homes. These are foster parents who originally lived in the District of Columbia Metropolitan Area and subsequently relocated. To avoid disruption of the child(ren) in placement, they relocated with the foster family, under the supervision of the area Social Services Department.

There are 41 children residing in out of "State" foster homes and 52 children residing in residential placements out of "State". A few of these residential facilities provide group home living situations

SENATOR SPECTER:
8. What is the monthly cost for a child living out of "State" in private homes, group homes and institutions?

MR. RIVERS:
8. The monthly cost for a child living out of "State" in a foster home can range from $269.04 for a normal child under age 12 years to $482.14 for a multihandicapped child over 12 years of age.

The average monthly cost for a child living out of "State" in a residential placement is $2,113.

SENATOR SPECTER:
9. How many children were placed in care at birth and reached the majority age (19 years) still wards of the city during the period 1960 to 1980?

MR. RIVERS:
9. We are unable to answer this question at this time, due to our need for two weeks of research and hand tabulation of the statistics.

SENATOR SPECTER:
10. How many siblings in the foster care system are living apart from other brothers and/or sisters?

MR. RIVERS:
10. There are approximately 543 siblings or 206 sibling groups in the foster care system living apart from other brothers and/or sisters. This includes sibling combinations of two to three siblings in one placement with one or two other siblings placed together in another foster home; or one sibling in a foster home and his/her sibling in a residential or group home facility.

SENATOR SPECTER:
11. On any given day, can a specific child be located on the computer? Is the print-out updated daily?

MR. RIVERS:
11. There is no on-line computer capacity. Children are listed on an alphabetical print-out which is updated weekly.

SENATOR SPECTER:
12. Is there a monthly print-out of services provided to child foster parents and natural parents, listing of social worker contacts with foster child, foster parents and natural parents, listing of visitations between foster child and natural parents, caseworker visits to school settings, listing of visitations to health clinic, etc?

MR. RIVERS
12. No, there is not a monthly print-out of services provided to the child, foster parents and natural parents. There is a monthly print-out which includes the child's name, DCID number, location, date of birth, caseworker identification, special payment codes, board rate, and total payment. Additional information is available through special request from the Office of Information Systems.

There is a project under way to redesign and implement the ward tracking system. This system will provide on-line capabilities for data entry, file update, and user query. This new system will produce all required management, statistical, and fiscal reports and documents on an overnight basis.

DEPARTMENT OF RECREATION

SENATOR SPECTER:
1. The Department's 1984 budget eliminated 10 maintenance positions which were funded but unfilled. This year the 1985 budget requests restoration of these positions, what has changed in the past year and will these positions be filled?

MRS. ROBERSON:
1. The 10 maintenance positions were eliminated from the fiscal year 1984 budget to provide partial funding for the 1984 pay adjustment. We are requesting the positions again in 1985 because, during the past year, the service that these mechanics could have rendered was provided through contracts. However, in the fiscal year 1985 request, we are reducing contractual services to provide more funding for badly needed maintenance supplies, equipment and seasonal personnel. These positions will be filled as soon as we have proper authorization to help eliminate some of the need for costly contractual services.

SENATOR SPECTER:
2. Under special programs, funds are requested to reinstate three positions with back pay. Why was this decision reached, why were the positions dropped in the first place?

MRS. ROBERSON:
2. These positions were dropped as a result of a reduction-in-force in 1980-81. The decision to reinstate these three positions with back pay was the result of a settlement agreement between the District and the Union, Local 2741, (District of Columbia v. Office of Employee Appeals, et al. Civil Action No. MPA 2-84).

SENATOR SPECTER:
3. There is no increase in the community based programs budget, however, increases in demand for program services are projected. How will these increases be handled with no expansion of services?

MRS. ROBERSON:
3. The community based programs have requested a net increase of $14,000 for fiscal year 1985. This increase will be given to the 20 Neighborhood Planning Councils established in the District for youth programs. Although there will be no expansion in services as it relates to serving more youth, the Neighborhood Planning Council programs will be able to upgrade the existing services by purchasing modern equipment and supplies, which will in turn upgrade the quality of training offered to the youth.

Office on Aging

SENATOR SPECTER:
1. The budget for the Office on Aging increased by only $939,000 to $6,128,000. Recent census figures show the elderly population in the District to be increasing. What long range plans is the office making for providing services and the kind of services that will be required for an increasingly elderly population?

MS. PACE:
1. In recognition of recent census figures which show: that the elderly population is increasing, that the largest increase has occurred in the 75 years and older age category, that more than half of the senior population is minority, that 1/3 of District seniors live alone and they are more likely than those in families to live in poverty, the Office has targeted resources towards the elderly with the greatest economic or social need based on income, minority group status, degree of isolation, advanced age and associated complications, or a combination of these factors. The request for increased funding is to strengthen and expand programs and services on behalf of the vulnerable elderly. For example, census data indicates that 18% of seniors were unable to use public transportation because of health problems. Findings from the needs assessment survey update conducted by the Office in FY 1983/84, findings from the Offices' client information system, and findings from community forums support targeting resources to expand community-based support services which forestall or prevent institutionalization. Accordingly, the Office has requested increased funding in FY 1985 for programs and services in these areas:

- Case assessment and case management
- In-home services, including minor home repair
- Transportation and escort services
- Geriatric day care services.

In addition to prioritizing areas of need, and targeting resources, the Office has instituted a mechanism, the Aging Roundtable, to promote planning and coordination and to provide a framework for the exchange of ideas, strategies, and practices among the various agencies in the District government which share responsibility for developing and implementing programs and services for the District's elderly. Long range planning for meeting the District's need for skilled and intermediate care provided in nursing home facilities is coordinated by a citywide long term care task force which includes the Office on Aging. The Office on Aging will continue to develop or to cause to be developed programs and services in response to the needs of the elderly as defined by census data, need assessment surveys, client information data, research, and forums with the elderly and advocates on their behalf.

D.C. GENERAL HOSPITAL

SENATOR SPECTER:
1. $44,250,000 is requested as the District's contribution to D.C. General Hospital. The justification material submitted states that it is currently impossible to determine the breakdown between indigent patients and bad debt costs. Are those means being developed?

MR. JOHNSON:
1. The District's contribution to the Hospital should be requested as $44,100,000 rather than $44,250,000. The difference is $150,000 for Water and Sewer service that was deleted from the Hospital's contribution, making it $44,100,000. The Hospital is developing a direct billing system to the District for patient care services, as well as other than patient care services to other District agencies. This will identify by patient and diagnoses the amounts for all patients who are medical charities as well as those whose income is such that they cannot pay. Indigent patients and bad debt patients are used synonymously at the Hospital.

SENATOR SPECTER:
2. The justification material submitted compares 1983 actual totals with 1985 estimates. Please provide a table which, in addition to these figures, includes the 1984 anticipated levels.

MR. JOHNSON:
2. The program impact statement, which states that the FY 1983 actual will continue into FY 1985, refers to the chart that is shown under the financial summary on the same page, as follows:

(in millions)

	FY 1983	FY 1984	FY 1985
Total Budget	$ 84.4	$ 91.3	$ 94.5
Subsidy	$ 39.1	$ 43.1	$ 44.1
Subsidy as a % of Total Budget	46.3%	47.2%	46.7%

SENATOR SPECTER:
3. The budget states that a high proportion of hospital out patients are medicaid eligible yet only $2 million is collected for these services? What steps will be taken to increase these collections?

MR. JOHNSON:
3. Where a patient has medicaid eligibility, we process this as medicaid.

However, there are many patients who come as out-patients who do not have any insurance identification, which is where the Hospital must investigate the eligibility of the patient for medicaid insurance. With the limitations in FTE's, it was not feasible for the Hospital to do a complete research of a patient's eligibility, for a $65.00 payment per visit. However, the hospital is working with the District to obtain additional financial counselors for the out-patient clinics. This will enable the Hospital to get needed eligibility information, in order to bill medicaid for additional reimbursement.

DEPARTMENT OF HUMAN SERVICES

Saint Elizabeths Hospital

SENATOR SPECTER:
1. The District has proposed a six year program to transfer to the local government those functions performed by Saint Elizabeths Hospital that are normally the role of state and local government. Please provide a table, and explanation, displaying the fiscal year 1985 cost of preparing the client management and record system and of the responsibility of taking over certain programs in fiscal year 1984?

MR. RIVERS:
1. In planning a total system, it is essential that the District has an information system which can adequately measure the existing services provided without duplication.

The Mental Health Services Administation (MHSA) has already made significant progress in coordinating information systems with Saint Elizabeths Hospital (SEH). The District I.D. number is the primary identifier for most District programs and Saint Elizabeths Hospital incorporated the District I.D. number into their information system.

MHSA and SEH have moved to make their information systems report similar data. Additionally, some cross over can be done through the common District I.D. number now used for patients in both systems.

MHSA will seek in 1985 to improve the compatibility, if not unify the two information systems. The reliability of the data from both systems will be needed to plan effectively for assuming new responsibilities.

The following information is shown below relative to the cost for the client management and record system:

$400,000 -	required to provide MHSA with a capacity to access the information and utilize statistical data for planning purposes.
$260,000 -	annual cost of the Community Connections and Anchor contracts beginning July 1, 1984 and carrying over to 1985, for the out-placement and service management of 50 hard-to-place Saint Elizabeths Hospital patients.

These contracts will outplace clients from the inpatient facility and establish them in existing community residential facilities. Gradually, the patient will be integrated into an existing support system so that the contractors will add existing patients to the process. (It is estimated that through this mechanism 150 SEH "difficult to place patients" can be placed within the next 18 months).

SENATOR SPECTER:
2. What are the continuing program measures that you will use to measure the success of these initiatives? And what do those measures show for last year and this year?

MR. RIVERS:
2. Continuing program measures used to gauge the success of these initiatives are both quantitative and qualitative. They include comparing units of service provided or available prior to the new initiative and the quality of that service with those provided since the initiatives. According to these measures, our new initiatives have been successful. In FY 1983, the number of children returned to relatives, parents or moved to independence was 728. It is projected that 510 children will be returned in FY 1984. The special needs children adopted in FY 1983 were 24 as compared to an estimated 60 children in FY 1984; this projection is based on the current average of five adoptions per month. Over 1,300 children have received an indepth high quality administrative review involving significant people in their lives. These reviews assure that permanent plans are made for all children in foster care.

SENATOR SPECTER:
3. How many children are in the foster care system as of April 30, 1984?

MR. RIVERS:
3. There are 2,082 children in foster care as of April 30, 1984.

SENATOR SPECTER:
4. In last year's budget, an increase in various fees was contemplated at District health clinics. What fees were increased and how did that affect the number of persons receiving the services?

MR RIVERS:

4. The clinic fees (Attachment I) that were increased in February, 1984 were for: general medicine, obstetrics/gynecology, pediatrics, cardiology, specialized clinics, podiatry, nursing home visits and dental services. These increases represent approximately 40% over last year. A sliding fee scale was instituted and, as a result, there has been a decrease in the total number of visits, although May, 1984 showed a slight increase.

No. Patient Visits

	FY 1983	FY 1984
March	12,182	9,472
April	9,877	7,413
May	10,047	10,492
	32,106	27,377

(Attachment I follows:)

Attachment I

District of Columbia Register JAN. 27 1984

OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Mayor of the District of Columbia, pursuant to the authority set forth in subsection (a) of the fourth proviso under the heading "Health Department" in section 1 of the District of Columbia Appropriations Act of 1946, approved July 9, 1946, as amended (60 Stat. 511; D.C. Code, sec. 32-119(a)) and the District of Columbia Administrative Procedure Act, D.C. Code, sec. 1-1501 et seq., as amended (P.L. 90-614, 82 Stat. 1203), hereby gives notice of his adoption of the following fees for services provided by the Neighborhood Health Centers and the following sliding fee scale for patients who are not covered by Medicaid, Medicare, or any other third party insurance and whose annual gross family incomes fall within the ranges of the sliding scale. The following rates will not apply to those persons who are receiving assistance under title VII of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101; D.C. Code sec. 3-207.1 et seq.) and who do not receive assistance under Medicaid.

The fees listed in the Notice of Proposed Rulemaking as published in the October 14, 1983 edition of the D.C. Register (30 DCR 5324) are adopted with minor clarifications. Those provisions and proposed fees relating to crippled children and youth were deleted, and the current fees will remain in effect. No adverse comments were received from the public. No substantive changes were made from the original notice. Final rulemaking action was taken on January 6, 1984. These fees will become effective on February 1, 1984.

Neighborhood Health Clinic Fees

Full Rates

Service Category	Fee
General Medicine	
Initial Visit (comprehensive medical evaluation including complete history, review of medical records, complete physical examination, laboratory testing and appropriate prescriptions)	$75.00
Follow Up Visit/Acute Care Visit (periodic re-evaluation of a problem including laboratory tests or evaluation and treatment of a condition requiring an abbreviated history and examination)	$25.00
Obstetrics/Gynecology	
Initial Visit	$60.00
Follow Up Visit/Acute Care Visit	$25.00
Pediatric	
Initial Visit	$50.00
Follow Up Visit	$25.00
Adolescent or Athletic Exam	$50.00
Cardiology	
Initial Visit	$75.00
Follow Up Visit	$25.00
Specialized Clinics	
Physician Services - Comprehensive (comprehensive medical evaluation, diagnosis and treatment for allergic, ophthalmologic and dermatologic complaints)	$50.00
Physician Services - Limited (Re-evaluation and treatment for a special complaint as defined above)	$25.00
Services performed by ancillary professionals not under the supervision of the physician such as nutritional and social work counseling services	$20.00
Podiatry	
Initial Visit	$30.00
Follow Up Visit	$20.00
Nursing Home Visit	$ 32.25
Dental	
Diagnostic	
Full Mouth X ray series	$ 22.00
Periapical X ray, one film	$ 4.00
Periapical X ray, two films	$ 7.00
Periapical X ray, three films	$ 8.00
Occlusal X ray	$ 8.00

Service Category	Fee
Preventive	
Dental Prophylaxis	
Prophylaxis, mouth exam, flouride application, bitewings, oral hygiene instruction	$ 25.00
Prophylaxis, under age 15	$ 7.00
Prophylaxis, age 15 and over	$ 10.00
Floride treatment	$ 8.00
Space Maintainers	
Fixed, band type	$ 75.00
Lingual archwire	$ 75.00
Space maintainer, removable	$ 55.00
Restorative	
Amalgam Restoration (including polishing)	
Amalgam Restorative Pit, one surface	$ 6.00
Amalgam Restoration, two pits	$ 9.00
Amalgam One Surface, deciduous	$ 10.00
Amalgam Two Surfaces, deciduous	$ 14.00
Amalgam Three Surfaces	$ 21.00
Amalgam Four Surfaces	$ 27.00
Amalgam One Surface, permanent	$ 10.00
Amalgam Two Surfaces, permanent	$ 14.00
Amalgam Three Surfaces, permanent	$ 21.00
Amalgam Four Surfaces, permanent	$ 27.00
Pin Reinforced	$ 6.00
Acrylic or Plastic Restoration	
Acrylic or Plastic Restoration, Class III	$ 16.00
Esthetic Restoration including Angle	$ 20.00
Acrylic or Plastic Restoration, Class V	$ 12.00
Crowns - Single Restoration Only	
Acrylic Jacket	$ 72.00
Veneer Crown	$ 94.00
Gold Full Cast	$ 94.00
Stainless Steel Crown	$ 31.00
Temporary Crown	$ 17.00
Dowel Crown	$120.00
Other Restorative Services	$ 10.00
Endodontics	
Pulp Capping	$ 8.00
Pulpotomy	$ 16.00
Root Canal	
One Canal; excludes final restoration	$ 75.00
Two Canals; excludes final restoration	$ 96.00
Three Canals; excludes final restoration	$116.00
Periapical Services	
Apicoectomy	$ 52.00
Periapical Curettage	$ 34.00
Periodontics	
Nonsurgical services	
Subgingival curettage, root	$ 50.00/quad
Surgical services	
Gingivectomy or Gingivoplasy	$100.00/quad
Adjunctive services	
Deep scaling	$ 25.00/quad
Advanced periodontitis	
Vincents treatment	$ 50.00

Service Category	Fee
Prosthodontics	
Full denture*	$100.00
Partial denture*	$150.00
Additional clasps for partial dentures	$ 25.00
Simple denture repair	$ 12.00
Complex denture repair	$ 35.00
Adjustment denture	$ 10.00
Prosthodontics, Fixed	
Amalgam build-up	$ 35.00
Oral Surgery	
Simple Extraction (per tooth)	$ 11.50
Complicated Extraction	
Extraction of tooth, erupted	$ 30.00
Extraction of tooth, soft tissue impaction	$ 45.00
Extraction of tooth, partial bony impaction	$ 59.00
Extraction of tooth, complete bony impaction	$ 65.00
Root tips	$ 25.00
Surgical exposure of bony impaction	$ 45.00
Alveoloplasty (surgical preparation of ridge for dentures)	
Alveolectomy with extraction	$ 55.00
Alveolectomy without extraction	$ 75.00
Surgical Incision	
Incision/Drainage abscess intraoral	$25.00
Incision/Drainage, extraoral	$65.00
Curettage of fistulous tract	$15.00
Reduction of Dislocation	$60.00
Orthodontics	
Appliances to control harmful habits	$75.00

*This fee represents the maximum charge for this service regardless of the number of treatment sessions required to complete dentures plus two visits for adjustments.

Sliding Fee Schedule
for Neighborhood Health Centers
Gross Family Income

	A	B	C	D	E
Family Size	Pay 0% of Full Charge	Pay 20% of Full Charge	Pay 40% of Full Charge	Pay 60% of Full Charge	Pay 80% of Full Charge
1	0 to $ 4,860	$ 6,895	$ 8,930	$10,965	$13,000
2	0 to $ 6,540	$ 8,911	$11,282	$13,653	$16,024
3	0 to $ 8,220	$10,927	$13,634	$16,341	$19,048
4	0 to $ 9,900	$12,943	$15,986	$19,029	$22,072
5	0 to $11,580	$14,959	$18,338	$21,717	$25,096
6	0 to $13,260	$16,975	$20,690	$24,405	$28,120
7	0 to $14,940	$18,991	$23,042	$27,093	$31,144
8	0 to $16,620	$21,007	$25,394	$29,781	$34,168
9	0 to $18,300	$23,023	$27,746	$32,469	$37,192
10	0 to $19,980	$25,039	$30,098	$35,157	$40,216
11	0 to $21,660	$27,055	$32,450	$37,845	$43,240
12	0 to $23,340	$29,071	$34,802	$40,533	$46,264

SENATOR SPECTER:

4. The new plan contemplates integrating the hospital functions into a comprehensive mental health system for the District. The existing system includes community mental health centers which have been criticized for a high staff turnover rate and inadequate client tracking systems. Will your comprehensive plan look at upgrading these centers, at salary levels, reasons for turnover and at improved client tracking systems?

MR. RIVERS:

4. The District Community Mental Health Centers, (CMHC) have not shown a high rate of staff turnover; in fact, the rate has been extremely low. An analysis performed on June 1, 1984 showed that 82% of Mental Health Services Administration personnel had ten years or more of credited service, with 16% having over twenty years of service. During the past three years, staff resignations for all reasons have averaged approximately 2.5% per year. By way of comparison, an NIMH supported study of CMHCs in the South, performed in 1979, showed an average retention rate of 75.1% for urban centers; the District rate exceeds 90% even when all causes for persons vacating jobs (resignations, re-deployment, death, disability, regular retirement) are considered. District salaries are among the highest in the country for mental health workers; grade for grade they exceed federal pay levels except at the very top of the scale where the District cap of $63,700 is lower than the federal maximum. Such staff losses as have been occurring in the District system are largely attributable to low turnover resulting in an aging work force that is subject to increasing numbers of deaths, regular and disability retirements.

Problems in client tracking have been due primarily to a lack of inter-agency integration rather than a deficiency within District mental health centers. In particular, there has been no direct link between the computerized patient data systems for the District programs and Saint Elizabeths Hospital. An initiative begun in 1980, however, has resulted in the assignment of a District identification number to virtually all Saint Elizabeths Hospital or District patients, a critical first step toward automated tracking between systems. The District is committed to achieving a merger of the two databases in FY 1985 and funds have been designated for the purchase of technical consultation and computer services to develop the integrated system.

The only significant tracking problem internal to the District program has been related to the chronic patients who have been reluctant to utilize clinic services. To assure maintenance of contact with this population, the District is creating two Mobile Treatment Units that will provide assertive outreach to recalcitrant patients; these units will be operational within FY 1984.

SENATOR SPECTER:

5. Your plan proposes that the District payment to Saint Elizabeths be frozen at the current level until the completion of the transfer plan and that thereafter a $40 million payment to the District be made to support this reorganization. What is the basis for this amount, both the justification and how the figure was arrived at?

MR. RIVERS:
5. The basis for the use of $40 million in funding is to provide for care of patients who are now cared for by Saint Elizabeths Hospital, but will be assumed by the District as follows:

Type Patient		No. of Patients
Research		25
Chronic Elderly		415
Federal Beneficiaries		69
	Total	509

The assumption of responsibility for these patients, who were previously administered care by the Federal Government, will add a minimum of $40 million dollars to the $55 million which the District now spends for mental health services. This amount was based on estimated inpatient costs of $220/day for 365 days for 500 patients.

UNEMPLOYMENT COMPENSATION FUND

SENATOR SPECTER:
1. The budget request estimates initial claims of 2,671, the same as those projected for fiscal year 1984. What has been the history during the first half of this year? Has the 1984 or 1985 figure been re-estimated?

MR. SHANNON:
1. The number of initial claims for the first half of FY 1984 is 815. As of this time, no re-estimation has been made.

SENATOR SPECTER:
2. How was this figure arrived at, what makes up eligible former District employees?

MR. SHANNON:
2. The 2,671 claims figure was projected using the FY 1983 actual claims figure (3,571) as a base, and estimating that 900 persons would not qualify on the "educational institution" provision of the Social Security Law. With the 900 eliminated, the 2,671 was derived for FY 1984, and was also used as a FY 1985 planned figure.

An eligible former D.C. employee is one whose last employer of record is the District of Columbia government, and who otherwise qualifies for UI benefits under all applicable provisions of the state UI law.

DISABILITY COMPENSATION FUND

SENATOR SPECTER:
1. You are projecting an increase in the number of new claims but a decrease in continuing beneficiaries. Please explain?

MR. SHANNON:
1. Although no increase in new claims is projected (see page 41-2 of the Supporting Schedules), we expect the average number of continuing beneficiaries to decrease due to improved administrative procedures. These include a more aggressive approach in monitoring

claims to reduce the duration of benefits, requiring more frequent submissions of medical evidence to substantiate the disability of claimants, increasing the use of lump sum settlements, and the use of investigative services to identify ineligible claimants.

SENATOR SPECTER:
2. The average biweekly payment for all disability categories increases by over 8 percent, why is that?

MR. SHANNON:
2. As indicated on page 41-3 of the Supporting Schedules, the average biweekly payment shows a projected increase of less than two percent from FY 1984 to FY 1985. This increase reflects the allowance for cost of living adjustments and inflationary increases in medical services.

OFFICE OF HUMAN RIGHTS (OHR)

SENATOR SPECTER:
1. What is your current estimate of docketed complaints expected in fiscal year 1984? Why does this estimate increase in fiscal year 1985 after declining in 1984?

MS. COOPER:
1. We estimate that the Office of Human Rights will docket 650 complaints alleging discrimination in fiscal year 1984. The estimate increases to 715 in fiscal year 1985—after declining from FY 83 (673) to FY 84 (650)--because OHR plans to step up its community education activities in FY 85. As more citizens become aware of their rights, we expect OHR to see an increase in docketings of complaints.

SENATOR SPECTER:
2. Why are seven additional positions requested?

MS. COOPER:
2. We are not requesting seven additional positions, only three. Of the three new positions we are requesting, two are required by the terms of a Settlement Agreement between our office, four other District of Columbia agencies, and the Washington Area Construction Industry Task Force, Inc. The Settlement Agreement is the result of a suit filed in July 1977 against OHR, its Director and four other D.C. government agencies. The two positions will be statistical secretaries to be filled at the DS-7/9 and DS-6/7 levels. These statistical secretaries will assist two full-time employees, detailed to OHR from other D.C. government agencies, in collecting and analyzing data relevant to current minority participation in the construction industry and preparing a myriad of statistical and narrative reports on a monthly basis as required by the Settlement Agreement. The third position will be that of a general receptionist/clerical at the DS-3/4 level. Such a position will enable more qualified, higher paid persons to engage in other more substantive activities within the office.

SENATOR SPECTER:
3. For the Commission on Human Rights there is a requested 17 percent increase. Why is that required with no increase in caseload?

MS. COOPER:
3. The 17 percent, $11,000, increase in the Commission on Human Rights' budget is needed to maintain current personnel requirements due to pay adjustments, within grade increases and promotions, partly because of underfunding in previous years.

OFFICE ON LATINO AFFAIRS

SENATOR SPECTER:
1. The program measures listed for the office indicate an expected decline in referrals from fiscal year 1983 to 1984, however, you are projecting an increase in these referrals in fiscal year 1985, what is the basis for these estimates?

MS. GILLESPIE:
1. The Office on Latino Affairs was faced with severe limitations in both staff and Other Than Personal Services (OTPS) in FY 1984, and resources were stretched to the maximum. It was anticipated that the office would be forced to reduce the number of referrals and activities at a time when the demand for referrals and services within the Hispanic community was increasing at an overwhelming rate. However, as a result of close work and cooperation between the Office on Latino Affairs, District of Columbia Government agencies, and community based service organizations, the actual number of referrals in FY 1984 will be higher than anticipated. As the community continues to grow at a rapid rate, the demand for services is expected to rise dramatically in FY 1985. The Office on Latino Affairs will continue its efforts to meet the growing needs of the community, and respond effectively to the growing demand for referrals, services, and special activities.

SENATOR SPECTER:
2. The office plans to try to raise $4,000 from private sources. How will these funds be used; will they reduce dependence on public funds or for special initiatives? Will this be a continuing effort?

MS. GILLESPIE:
2. Funds raised from private sources during FY 1985 will be used to develop programs to enhance existing services which are currently underfunded, provide services not currently in place, and to initiate vital programs in the area of health, health education and prevention, and maternal and child health care. The funds will not go toward duplication of any existing services, but rather to pilot projects in the areas mentioned. It is anticipated that these funds will both reduce dependence on public sector support and help initiate special programs for the Hispanic community. This private sector fundraising is projected to continue, with the FY 1985 effort serving as a catalyst for future years.

Commission For Women

SENATOR SPECTER:
1. Two additional staff positions are requested in fiscal year 1985 bringing the total to 6. Why are these two new positions necessary?

MS. ETHEL JAMES WILLIAMS:
1. Since 1960 women who head their own families in the District of

Columbia have increased by more than 50 percent. The need for support services has increased dramatically. Women in the workforce need access to reliable child care; assurances of upward mobility; equality in pay and benefits; and fair treatment in the workplace.

The women who are fulltime homemakers depend upon information from the Commission regarding resources and information about services. Women's groups and organizations rely on the Commission's organizational ability to provide the linkages and grouping for legislative initiatives, instructions and guidance relating to non-traditional job opportunities, re-training, career counseling and self-sufficiency projects.

The two additional staff positions requested signifies the intent of the Commission to creatively address some of the complicated aspects of today's problems as faced by women and their families in our city.

One staff person would be responsible for keeping current the Commission's information and referral directory; maintain direct liaison with women's organizations, public and private research centers, social service, and housing resources and training programs. Prepare a special informational bulletin for women ex-offenders who are preparing for release and which will provide them with precise and direct information regarding jobs, housing, counseling and training.

The other staff person would be responsible for preparing manuscripts reports, manuals and guides for women and which will be given wide distribution especially at the neighborhood level. Bi-lingual publications are to be prepared. Proceedings including recommendations for implementation of programs, conferences, institutes and training sessions are to be provided for groups in the wards as well as women's organizations, federal and district centers of information exchange. This staff person will be expected to search out funding sources such as foundations, public and private firms and corporations in order to provide the Commission with the ability to enrich its research, training and educational programs and its facility for cooperative planning and action especially for woman-at-rise and her family.

SENATOR SPECTER:
2. The Commission makes an annual report to the Mayor, could you summarize your most recent report and its recommendations?

MS. ETHEL JAMES WILLIAMS:
2. The Mayor's biennial report from the Commission included a discussion and overview of such topics as women in the workplace, the female offender and ex-offender, domestic violence, child abuse and neglect. The report described the conferences, institutes and special events initiated by the Commission and concluded with 'facing the challenge of the future'.

Subsequent conferences, Elder Abuse and Legislative, rounded out a series of recommendations as listed below:

Equal housing rights for families with children.
Non discrimination in insurance.
Allowance of tax-free child care benefits for working parents.

Long term care for the older adult.
Provision of mental health services for the homeless women.
Encourage self-sufficiency projects.
Legislation that will support women entrepreneurship.
Campaign to heighten the public sensitivity to the problems faced by female offenders and ex-offenders.
Monitor the training and employment for women in all aspects of the cable TV operations.
Legislation, laws and regulations and community action to help prevent sexual assault, spousal abuse, child abuse and neglect; child custody, paternity and support.

ENERGY OFFICE

SENATOR SPECTER:
1. The District Energy Office projects being able to serve the same number of clients with a reduction of $213,000. How will this be accomplished?

MR. CLINTON:
1. As noted under "Program Measures", page JF-11 of the Budget Request, the caseload has increased from 2,110 recipients in Fiscal Year 1983 to 2,336 recipients in Fiscal Year 1984. However, the average payment per eligible recipient has decreased from $102.00 in 1983 to approximately $83.00 in 1984. The reason the average monthly CEAP payment has declined is a function of the increased AFDC benefits received by those on the caseload; since CEAP payments only hold harmless AFDC recipients against December 1981 benefit levels, it is not unreasonable to see fluxuations from year to year in average monthly payments for the clients. Based on the approximate decrease of $20.00 per eligible recipient, we will be able to serve a yearly average of about 2,500 eligible recipients and remain within the budgetary constraints.

SENATOR SPECTER:
2. How does the program work, do you pay the full amount of qualifying individuals or only a portion of the energy costs?

MR. CLINTON:
2. Payments are made on only a portion of a recipient's energy costs, reflecting the peak heating season from November thru April. The annualized benefit level is then prorated and divided into twelve monthly payments.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

SENATOR SPECTER:
1. The Board is requesting $338,850,000 and 9,248 positions for fiscal year 1985. In addition $36,565,000 and 1,063 positions are expected from federal sources. This amount from the federal government is $2.6 million and 91 positions lower than was received in the current year. What services and programs will be eliminated as a result? If some programs will be continued please explain what

other programs will be dropped since there is no increase in the number of requested positions?

SUPERINTENDENT McKENZIE:
1. The level of federal funds anticipated by the District of Columbia Public Schools amounts to $38,455,000 and 1,114 positions. This amount is $712,000 and 40 positions lower than the federal funds received this current year. As a result of this anticipated reduction in federal funds, no programs will be eliminated. The reductions in resources will curtail the level of services supported by federal resources, including staff reductions, for the Chapter 1 LEA Program. This curtailment will occur because of insufficient funds to accommodate cost-of-living increases for staff. Also, the federal changes anticipated for FY 1985 will reduce the level of federal support for special education programs for Public Law 89-313 under Chapter 1. The reductions for this program will require that certain critical services be transferred to the appropriated budget to maintain the same level of effort in FY 1984 for the special education student population.

Within the appropriated budget no increases in authorized positions are requested because the number of funded positions is less than the authorized position ceiling level of 9,248 positions. Under the Board's Budget Request of $338,850,000 there will be no reduction in programs funded through appropriated resources.

SENATOR SPECTER:
2. Please provide a comparative table, similar to page 3 of the budget submission, displaying the 1984 and 1985 breakdown of positions and dollars by control center.

SUPERINTENDENT McKENZIE:
2. A breakdown of the positions and dollars by control centers for FY 1984 and FY 1985 follows:

Appropriated Budgets
($ In Thousands)

Control Centers	FY 1984 Budget Dollars	FY 1984 Budget Positions	FY 1985 Budget Dollars	FY 1985 Budget Positions	Net Change FY 1984-1985 Dollars	Net Change FY 1984-1985 Positions
Office of the Board of Education	$ 968.0	31	$ 981.0	31	$ 13.0	-0-
Office of the Superintendent	4,500.0	90	4,298.0	91	-202.0	1
Office of the Deputy Superintendent	198,832.0	6,235	205,901.0	6,312	7,069.0	77
Office of the Associate Superintendent for Instructional Services	4,349.0	110	5,178.0	113	829.0	3
Office of the Associate Superintendent for Management Services	94,083.0	2,258	96,239.0	2,100	2,156.0	-158
Office of the Associate Superintendent for Special Services and State Affairs	23,618.0	524	26,253.0	601	2,635.0	77
Total	$326,350.0	9,248	$338,850.0	9,248	$12,500.0	...

SENATOR SPECTER:
3. How many of the students in the public schools are in foster care and how are they handled in the schools?

SUPERINTENDENT McKENZIE:
3. The District of Columbia Public Schools defines foster care students as those students who are wards of the Department of Human Services. Demographic data on foster care students as a special category of residence or surrogate parentship are not kept within the school system; nor does this information appear on student records.

Such students would only be identified as foster care students in the event they are judged to be handicapped and requiring special education, or having some other specific problem which would require surrogate or other parent contacts around the problem. In such special education cases, historically the District of Columbia Public Schools handles the educational needs of the students if they are to remain in the public schools, while the Department of Human Services manages total student costs if they are not enrolled in the Public Schools.

SENATOR SPECTER:
4. How long does it take from referral to program placement in appropriate activities?

SUPERINTENDENT McKENZIE:
4. Experience shows that cases that can be managed within the Public Schools have a resolution span from less than 50 to 90 days. Those cases generally requiring more than 50 days have complex prescriptions and appropriate learning environments that require extensive workups. Other complex cases involving tuition or residential place-ments, for which the Public Schools cannot provide an appropriate learning environment or therapeutic resource, are managed in conjunction with the Department of Human Resources. These cases take 90 to 120 days.

SENATOR SPECTER:
5. How is liaison with the Commission on Social Services in DHS accomplished? What data and information is shared and how timely is it?

SUPERINTENDENT McKENZIE:
5. In accordance with an interagency agreement, the D.C. Public Schools provides enrollment, transfer and/or withdrawal data to the Department of Human Services on all school-age clients in the Aid to Families with Dependent Children Program. This verification of school attendance and residence is a critical factor in the reduction of error rate for the Department, resulting in the assurance that funds are being expended on District residents.

Neglect cases identified by attendance officers are forwarded to the Department of Human Services for adjustment and more intensive investigation. These are cases of children under twelve years of age and those with special needs in most instances who are not attending school on a regular basis and who usually show other signs of neglect, as stated in the D.C. Code's Law on Child Abuse and Neglect. Five cases were forwarded during 1983-84 school year.

Some shelter homes are monitored in terms of the entry of school-attending clients and their school enrollment and attendance. This is done on a monthly basis. When or if problems arise, we assist in the enrollment or attendance problem or in any other way we can, i.e., providing information, etc.

The Bundy Shelter Home and the D.C. Public Schools have worked together in a special program during the 1983-84 school year to assure that D.C. school-age children and youth who are housed at the Shelter Home will experience little or no disruption in their education while living at the temporary facility. Contact has been maintained weekly with this program. Information shared has included a current listing of newcomers and withdrawals in the facility. Identifying information on the clients is also kept for reference and use by the D.C. Public Schools.

TEACHERS RETIREMENT AND ANNUITY PAYMENTS

SENATOR SPECTER:
1. The request for the general fund payment to the Teachers' Retirement plan is $73,300,000. This is more than $5 million below the fiscal year 1984 amount. What is the reason for the reduction?

MR. REYNOLDS
1. The amount appropriated for FY 1984, $75,561,000, consisted of: $9,586,000 payment to the fund for the FY 81, FY 82, and FY 83 shortfalls; and $69,800,000 as the FY 1984 actuarially determined District's contribution to the fund. This last amount includes a $5,700,000 overestimation made by the Board's actuary. Mayor Barry, in his FY 1984 supplemental budget, is proposing to adjust the FY 84 teachers appropriation to reflect the actuary's error. Thus, the corrected FY 84 District's contribution should have been $64,100,000.

Similarly, the FY 1985 District's contribution to the Teachers' Retirement plan, $73,300,000, includes the same $5,700,000 overestimation made by the actuary in the previous fiscal year. Once this amount is netted-out, the FY 85 District contribution is reduced to $67,600,000 which represents an increase of $3,500,000 over the FY 84 amount. This increase is attributable mainly to an increase in the retirees' rolls and a twice-a-year cost-of-living adjustments to be granted to the annuitants on the retirement folls during FY 1985.

SENATOR SPECTER:
2. What is the total estimated payment to annuitants in fiscal year 1985 and how many annuitants are anticipated.

MR. REYNOLDS:
2. The Board's actuary has estimated that approximately 3,524 annuitants on the rolls will receive about $75,800,000 in benefits in fiscal year 1985.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:
1. Your budget document notes that 15,000 students are enrolled. How many are full time day students? How many attend classes part-time or in the evening?

DR. GREEN:
1. The 15,000 students in the workload indicators for fiscal year 1985 are projected for the academic year 1984-85. The question assumes that the day time students are full time and the evening students are part-time. This is not true. Full-time and part-time students attend classes both day and evening and a combination of day and evening. The most recent data on students available to the University is for the academic year 1983-84 in which 32 percent of the students attended evening only classes, 43 percent attended day only classes and 25 percent attended a combination of day/evening classes. It is assumed that the pattern for the academic year 1984-85 will approximate the previous year.

SENATOR SPECTER:
2. Funds are requested to support accreditation efforts of the College of Business and Public Management and the College of Physical Science, Engineering and Technology. What are the details of how the funds requested will be used and how much is asked for each program?

DR. GREEN:
2. The University requested $826,000 to support accreditation in the College of Physical Science, Engineering and Technology. This college, in an effort to upgrade its programs and laboratories, will need to fill 18 currently unfunded positions at a cost of $526,000 in salaries and $105,000 in related benefits. Additionally, $25,000 for salaries and $2,000 in benefits will be needed for education technicians to assist in the laboratories and $168,000 to equip the laboratories. The University is developing a plan for the tuition funds that are projected to be generated in Fiscal Year 1985. Within these plans dollars are scheduled to begin accreditation of the College of Business and Public Management.

SENATOR SPECTER:
3. What other university programs are currently accredited and what ones are planned for the future?

DR. GREEN:
3. Several programs in the University have received accreditation by their professional associations as follows:

Nursing - BSN
Nursing - AASN
Respiratory Therapy
Medical Radiography
Urban and Regional Planning - B.S. and MURP
Digital and Electromechanical Engineering Technology
Architectural Engineering
Civil Engineering Technology
Construction Management Technology
Electronic Engineering Technology
Mechanical Engineering Technology

Civil Engineering
Computer Science
Electrical Engineering and Computer Engineering
Social Welfare and Rehabilitation
Mortuary Science
Communication Arts and Sciences

Teacher Education

Administration and Supervision
Art
Business Education (Graduate and Undergraduate)
Counseling Education
Early Childhood Education (Graduate and Undergraduate)
Elementary Education
English
Foreign Languages
Geography
Health, Physical Education
History
Home Economics

Technical Teacher Training -
(Industrial Arts Grades 7-12)
Mathematics
Media, Library and Instructional Systems
Music
Special Education
Speech Pathology
Reading
Vocation Education

In the future, we plan to secure accreditation for all programs in the College of Business and Public Management.

SENATOR SPECTER:
4. What is the resident and non-resident tuition at UDC? What is the breakdown between these types of students?

DR. GREEN:
4.

TUITION RATES FALL 84 - 85

Resident.............	Undergraduate	$ 462
	Graduate	1,090
Non-Resident..........	Undergraduate	2,310
	Graduate	2,310

In academic year 1983-84 the resident student comprised 84 percent of the enrollment and the non-resident students were 16 percent of the enrollment. The University expects a similar breakout of the student enrollment in academic year 1984-85.

SENATOR SPECTER:
5. How does this tuition compare to other schools in the area?

DR. GREEN:

5. TUITION COST AT METROPOLITAN AREA INSTITUTIONS

	83 - 84	
	Resident	Non-Resident
University of the District of Columbia	330	2,100
University of Maryland	1,118	3,513
Bowie State	1,030	2,140
George Mason University	1,380	2,664
Howard University	1,357	1,357

The tuition rate for the University for the Fall 84-85 will increase as seen in the answer to question number 4. The University has not been able to determine the rates at the schools that it compares with. We are therefore submitting the academic year 1983-84 data for comparison.

SENATOR SPECTER:

6. One of the Universities mandates is to conduct applies research and carry the results to the community. Would you explain how this is done and give some specific recent examples of research done by the university that is now benefitting the community?

DR. GREEN:

6. The University conducts applied research through individual faculty research projects, efforts in the Agricultural Experiment Station and the Water Resources Research Center. Additional research is done in the Cooperative Extension Service, the Institute for District Affairs, and the Materials Testing Center.

Results of such research are disseminated to the community in various ways. These include:

1. Published articles in newspapers, newsletters, and journals
2. Faculty lectures and seminars
3. Reports to funding agencies
4. Workshops, training programs and conferences
5. Community meetings

Examples of applied research results that now benefit the community include:

Soil and concrete testing - The materials testing center provides the results of their tests on various soils and concrete mixtures to be applied to better roadway maintenance and construction.

Noise Control - The Department of Physics conducted noise studies for EPA and the Department of Transportation around the District of Columbia. The results of these studies have been used to recommend reductions in the accepted Federal noise levels in urban areas and work sites. In addition, by studying automobile traffic on different road surfaces, results were made available that indicate the kind of surfaces best suited for residential and other areas.

DR. GREEN:

6. CHILDBEARING AFTER 35: NO BETTER TIME - research on child bearing after the age of 35. A study of 83 babies born to 75 older mothers in the Washington area, who ranged in age 38 to 49, concludes that some of the stereotypes and theories about becoming parents after the age of 35 are unfounded.

HEAVY METALS IN URBAN GARDENS: A survey of home and community garden soil is being conducted with the aim of better defining the distribution and sources of heavy metal contamination in Washington, D.C. Soil samples are being collected and analyzed for heavy mentals (emphasis on lead) by atomic absorption spectrophotometry. Five raised boxes along a busy street (Independence Avenue, S.W.) in Washington, D.C. were planted with leaf lettuce, collards and tomatoes. The same plant species were also raised at the Agricultural Experimental Station Field Site in Beltsville, Maryland and are used to provide information on background levels of heavy metals in vegetables in the absence of pollution due to automotive traffic.

RACCOONS AND RABIES: Ecological, Epizootiological and Immunological Assessment: The study is focused on the ecology and population dynamics of urban and park raccoons as well as the ecology of rabies. Research was focused on (1) determination of raccoon densities and distribution, (2) monitoring the raccoon population and movement in the Rock Creek Park (3) assessment of the impact of increased immunization level in the raccoon population vaccinated against rabies and (4) determination of the efficacy of the vaccine program and evaluation of the habitat. Developed analytical techniques to estimate population of raccoons trapped and vaccinated against rabies. Intensive live-trapping and radio-tracking of selected radio collared raccoons begun in August 1983 to obtain detailed information on the biology of animal. Trapped raccoons were tagged, identified and 36 were radio-collared to monitor movements, home range, other aspects of ecology as well as the movement of rabies into the population of raccoons in the park.

SENATOR SPECTER:

7. On April 19, 1984 the District of Columbia Auditor issued a follow-up audit on the UDC Athletic Department. Most of the shortcomings noted in his October 1982 original report appear to have been addressed. However, other recommendations are made, would you please comment on his findings. Would you comment on the auditors most recent recommendations, specifically the uncollected advances, the status of delinquent tuition payments and the unused balance of scholarship funds.

DR. GREEN:

7.

ADVANCES

Audit Recommendation

Even though the Vice President for Finance and Budget has tightened controls on advances, the $1,358.50 of outstanding advances that exists for fiscal year 1983 shows the need for the University to strictly enforce its policy concerning advances.

DR. GREEN:
7.

Management Response

Concur

Since the previous audit, improvements have been made to clear up overdue expense reports. The remaining two advances referenced by the Auditor were for non-salaried students who are not currently enrolled. Nevertheless, these cases have been referred to the General Counsel for possible legal action.

To avoid future recurrences of overdue expense reports on cash advances, weekly follow-up is now being done by a Management Analyst in concert with the Bursar.

DELINQUENT TUITION PAYMENTS

Audit Recommendation

The Auditor recommends that the outstanding delinquent tuition payment for fiscal year 1983 and prior years in the amount of $150,444.79 be paid from the existing fund balance of $167,793.

Management Response

The consensus at the exit discussion on April 6, 1984 is that the finding and recommendation will be deleted. In support of the consensus, delinquent tuition has been resolved for fiscal year 1983 and prior years.

SCHOLARSHIPS AND FINANCIAL AID AWARDED TO STUDENTS

The Auditor recommends that the monies committed for athletic scholarships to students be used for that purpose. Further to this, we recommended that all commitments be satisfied on an annual basis. Paying for such commitments annually will eliminate the practice of deferring tuition and fees and creating sizeable deficit balances.

Management Response

Do Not Concur

Based on prior years expenditures, a budget amount is set aside as a guide. As a budget amount, the scholarship commitment cannot be determined at the time because the actual expenditure has not been made.

SENATOR SPECTER:
8. The report notes that UDC disagrees with the auditor's recommendation concerning the inclusing of all athletic department revenues into a comprehensive budget. What are the reasons for this disagreement and at what city government level are these expenditures reviewed in detail?

DR. GREEN:

8. ATHLETIC DEPARTMENT BUDGET PROCEDURES

Previous Audit Recommendation

That the Athletic Department budget presentation to the Mayor, council and Congress include all revenue sources and make strict accounting of all expenditures.

The University has indicated that they do not concur with this recommendation. They feel that this recommendation action contrary to the legislative mandate to the Board of Trustees. The Auditor observes even if the Athletic Department were a separate enterprise fund it would be required to present a complete picture of its finances and expenditures for review. We reiterate this as a greatly needed recommendation.

Management Response

Do Not Concur

In our opinion, the recommended action is contrary to the legislative mandate to the Board of Trustees. The budget submissions to the Mayor have been including:

- o Appropriated funds (operating)
- o Capital improvement funds
- o Federal grants
- o Private funds and other revenues in part
- o Intra-District sales

All other revenue, including athletic fees, is part of the Postsecondary Education Fund. It is our judgment that the revenues of the Postsecondary Education Fund are not reportable in the budget that is submitted to the Mayor for approval because they are non-appropriated funds.

The Council has mandated that there shall be deposited in the Postsecondary Education Fund, "... and gifts and contributions in whatever form, funds in receipt of services rendered, other than tuition, and all moneys not included in the annual operating and capital and educational improvements funds appropriated by Congress". The Council also mandated that funds in the Postsecondary Education Fund shall be available for investment and distributed in such amounts and in such manner as the Trustees may determine (D.C. Law 1-36, Section 403(b).

Athletic fees and earnings on the endowment fund are non-appropriated funds which are subject to control by the Board of Trustees and not by the Mayor. We contend, therefore, that they should not be included in the budget submitted to the Mayor. Even if such funds were included they should be for information only and should not influence the level of appropriated funding. For example, the Council has also mandated that, "... it is not the intent that any income derived as a result of (the Postsecondary Education Fund) shall take the place of any District or Federal appropriations..." (D.C. Law 1-36, Section 403(c). In UDC Resolution 77-46 (December 13, 1977) the Trustees emphasized the legislative intent that income from the fund should "...supplement... appropriation to the advancement of the University".

DISTRICT OF COLUMBIA PUBLIC LIBRARY

SENATOR SPECTER:
1. The budget includes funds to provide an on-line catalog system at the main library. Will this service be extended to the branches, if so at what cost?

DR. FRANKLIN:
1. The on-line catalog and community information service will be extended to the branches over a two year period, covering FY 1986 and FY 1987. The Library will seek appropriations of approximately $300,000.00 in each of these two fiscal years to cover the costs of upgrading the central processing unit and purchasing the terminals for the branches.

SENATOR SPECTER:
2. A senior citizen bookmobile is being established. Is any thought being given to re-establishing a bookmobile system? What would the monthly cost of such a system be?

DR. FRANKLIN:
2. The senior citizen bookmobile service included in the FY 1985 budget request will provide fuller library service and programs to senior citizen homes and centers. A new, smaller bookmobile will be purchased which will provide a collection of 1,500 books. Bookmobile staff will also offer programs such as book talks and film showings in the senior citizen centers and homes. This bookmobile service will extend library service to a particular group of citizens, many of whom have difficulty in traveling to permanent library facilities.

In contrast, the bookmobile service, which was suspended in FY 1978, is largely unneeded in FY 1985. Branch libraries with much larger book collections now serve many of the former bookmobile stops such as Lamond-Riggs and Parklands-Turner. The number of isolated areas without library service formerly served by the bookmobile has been greatly reduced, due to factors such as improved public transportation and recently constructed library facilities.

All but one of the four bookmobiles have been sold. The operating and maintenance expenses of these larger vehicles was very uneconomical. In addition, the Public Library has placed former bookmobile staff in unfunded positions throughout the system. A new book collection would have to purchased since the original one has been distributed throughout the library. Given all this information, it is clear that the initial and continuing costs to re-establish the service would be unacceptably high.

SENATOR SPECTER:
3. Has the program keeping the Martin Luther King Memorial Library open on Sundays been successful?

DR. FRANKLIN:
3. The Sunday hours have been a tremendous success. An average of over 1000 people used the Library on Sunday afternoons during its first year of service. Because of the public response, it has been necessary to increase Sunday staffing. Increase funding has

been included in the FY 1985 request to cover this additional cost.

SENATOR SPECTER:
4. In your opinon what is the library's highest unfunded priority?

DR. FRANKLIN:
4. The highest unfunded priority of the Library is staffing. Since FY 1981 the Library has lost funds for 51 positions or 12% of its staffing. Experience has shown that the reduced staffing patterns put into effect were to severe in some of our busier branches. Continuing understaffing of the Technical Services Department has caused backlogs to grow larger as all available staff have been assigned to areas of public service. In order to prevent further erosion in the quality of support and public service, increased staffing is an essential priority.

Convinced that there is a demand for library service in the city and that it is getting stronger the Library also includes among its priorities, the restoration of library hours and service in all of its branches.

COMMISSION ON THE ARTS AND HUMANITIES

SENATOR SPECTER:
1. The 1985 budget calls for a geographic development program to take advantage of matching Federal funds for programs in the District which are under served. How much is allocated to this program and how much Federal assistance is expected?

DR. NICHOLSON:
1. The requested FY85 allocation for the Geographic Development Program is $150,000. The Commission expects Federal assistance in the amount of $150,000 over a three year period for this program.

SENATOR SPECTER:
2. What types of programs are being sought for what areas of the city under this program?

DR. NICHOLSON:
2. The designated areas of the city in the Geographic Development Program are Wards 5, 7, 8 and sections of Ward 6 -- the traditionally under served areas. The programming emphasis incorporates a holistic approach by placing arts administrators with organizations over a period of time to assist them in the development of more sound financial and administrative bases. Additionally, artists and arts organizations from other wards in the city will be encouraged through grants to provide cultural programming to the specified areas.

SENATOR SPECTER:
3. The Commission has requested an increase of $211,000 in District funds in 1985. How much of this amount is designated for programs and how much for personnel costs?

DR. NICHOLSON:
3. Of the requested $211,000, the amount of $150,000 is designated

for programs. The personnel costs include $42,000 for the salary of the Assistant Director, including fringe benefits. And finally, personnel costs of an additional $3,000 for within-grade increases are also included.

SENATOR SPECTER:
4. The Committee has received inquiries concerning programs that were formerly funded by the Department of Recreation prior to fiscal year 1981. When these responsibilities were transferred to the Commission funding was discontinued. Have Shakespeare in the Park, Washington Civic Opera or National Symphony Summer Concerts submitted funding requests for any year since then, if so with what result?

DR. NICHOLSON:
4. Neither Shakespeare in the Park nor the National Symphony Summer Concerts have applied to the Commission for funding. The Washington Civic Opera did not apply for a grant until FY84. The advisory panel that reviewed the Washington Civic Opera's request had several concerns regarding the submission and thus did not recommend them for funding. The Washington Civic Opera has applied for a grant for 1985. Of course, grant awards for 1985 have not been made at this time. However, the National Symphony's Youth Fellowship Program has received funds from the Commission since 1980. The Symphony's program provides weekly music lessons with symphony musicians, classes in music theory and performance training to local youths. In 1984, the Commission awarded $40,000 to this program for 15 students.

METROPOLITAN POLICE DEPARTMENT

SENATOR SPECTER:
1. The budget request includes funds to enhance the 911 emergency number and to purchase a new computer for the dispatch system. What are the details and amounts of these requests?

CHIEF TURNER:
1. The funding and planned implementation of an enhanced 911 emergency telephone system was based upon a proposal to C & P Telephone Company which required them to collect a monthly fee from customers. However, we were later informed that the proposal could not be worked out until such time as a D. C. law was passed requiring C & P to collect a .15¢ fee. There is a precedent for this type of arrangement; it is currently in effect in Maryland. The rate to Maryland customers is .10¢ per month.

SENATOR SPECTER:
2. Recently other jurisdictions have experienced outages in the 911 system. Has the District had any similar difficulties? What is the danger of this happening with the current system?

CHIEF TURNER:
2. The District experienced an outage in the 911 system on September 8, 1983. This difficulty was the result of a power failure brought about by a circuit breaker malfunction. A review of all component parts was immediately undertaken. Consequently, we believe there is little likelihood of an outage reoccurring with the current system.

SENATOR SPECTER:
3. Another initiative calls for the replacement of communication equipment. Is this program a normal replacement or does it bring the District's equipment up to date with the state of the art?

CHIEF TURNER:
3. The Department is replacing mobile radios, chargers, base stations, and pagers with the latest "state of the art" in communications equipment. We feel that these replacements will provide the force with the most reliable equipment available.

SENATOR SPECTER:
4. Are all 4,534 positions requested funded in this request? If not how many police and civilian positions are unfunded?

CHIEF TURNER:
4. The 4,534 positions represent the total number of authorized positions; of this number a total of 4,441 are funded Full-Time Equivalent positions which equates to an average uniformed strength of 3,896 and a civilian strength of 545.

FIRE DEPARTMENT

SENATOR SPECTER:
1. The Department's budget calls for the addition of two ambulances to the current fleet of 17. Will these be standard ambulances or advanced life support units?

CHIEF COLEMAN:
1. The new ambulances units will be one of each. The addition of one basic life support or standard unit and one advanced life support unit will give the District a total of five advanced advanced life support units and fourteen basic life support units.

SENATOR SPECTER:
2a. Also funds are included to purchase one hour breathing masks. How many masks are to be purchased at what cost?

CHIEF COLEMAN:
2a. The plan calls for the purchase of 323 masks. Together with extra air bottles, recharging equipment, and support vehicles, the total cost of the new self-contained breathing apparatus system will be $1,230,000. A Federal grant will fund $1,045,000, and the FY 1985 District appropriation will fund $184,500.

SENATOR SPECTER:
2b. How many masks will that give the Department?

CHIEF COLEMAN:
2b. The Department will have a total of 353 masks after the purchase of the new system.

SENATOR SPECTER:
2c. How many will ultimately be needed?

CHIEF COLEMAN:
2c. This request is designed to meet the Department's total need.

SENATOR SPECTER:
3. Are all 1,664 positions requested funded in this request?

CHIEF COLEMAN:
3. All 1,664 permanent continuing full-time positions are funded as are the 57 temporary positions requested.

SENATOR SPECTER:
4a. Are any funds directed to upgrading the Department's Communications system?

CHIEF COLEMAN:
4a. The FY 1985 budget base contains $332,383 for replacement and maintenance of communications equipment.

SENATOR SPECTER:
4b. Specifically, the purchase of radios capable of communicating with other jurisdictions where joint operations are necessary and communication capability for firefighters within burning structures and the fire command?

CHIEF COLEMAN:
4b. Within the funding base, approximately $74,200 is used to purchase new or replacement equipment including radios.

Approximately 15 of 300 mobile radios that are mounted in the fire trucks and ambulances are replaced each year. All of these units already have mutual aid capability which allows communication between jurisdictions; however, any other new technology would be acquired at the time of replacement.

Approximately 10 of 100 protable radios are relaced each year also. As yet all of these radios do not have mutual aid capability; however, it is being added as old radios are replaced. Currently 52 portables are capable of mutual aid. Another 14 with this capability will be acquired during FY 1984 and 10 more will be acquired in FY 1985.

The portable radios are carried by firefighters and ambulance personnel into burning structures or other emergency scenes to allow communication between each other and the fire command. All units have at least one.

POLICE AND FIRE RETIREMENT

SENATOR SPECTER
1. How many retired police officers and fire fighters will be receiving benefits in fiscal year 1985? Also list the number of those on disability and survivors expected to be receiving benefits

MR. REYNOLDS:
1. The Board's actuary projects the following number of annuitants on the retirement rolls in FY 1985: 1,426 service retirees, 2,481 disability retirees and 1,368 survivors.

SENATOR SPECTER:
2. How much is included for the third and final installment of the prior years' shortfall?

MR. REYNOLDS
2. The FY 1985 budget request for the Police and Fire Retirement System, $107,100,000, does not include any funding for the third installment of prior years' shortfalls. The Mayor has proposed to finance the FY 85 payment of the prior years shortfalls with the increase in the FY 1985 Federal payment which the President has recommended to Congress.

JUDGES RETIREMENT SYSTEM

SENATOR SPECTER
1. How many retired judges, survivors, and disability beneficiaries are expected in 1985?

MR. REYNOLDS
1. The Board's actuary projects the following number of annuitants on the rolls in 1985: 26 service retirees, 2 disability retirees, and 5 survivors.

SENATOR SPECTER
2. With the addition of seven additional judges to the Superior Court, when will this have an effect on the system?

MR. REYNOLDS:
2. Assuming the additional judges are added prior to October 1, 1984, they will be included in the actuarial valuation as of that date. This would affect the required District contributions beginning with fiscal year 1986. For fiscal year 1986 it would have the effect of decreasing the net-pay-as-you-go cost and increasing the amortization amount. The net effect is expected to be an increase in the required District contributions for fiscal year 1986, but the Board's actuary has not made any estimate of the magnitude of the increase, which will depend on the age and sex of the particular individuals and whether they elect to make optional contributions.

OFFICE OF THE CORPORATION COUNSEL

SENATOR SPECTER:
1. You are requesting an increase of 36 positions. That is an increase of more than 20 percent. To what area will these new staff be assigned? Please give specific current caseload data as well as expected caseload with new personnel and the optimum standard caseload based on past experience and nationwide standards.

MS. REID:
1. While the FY 1985 budget request includes an increase of 36 authorized continuing full time (CFT) appropriated positions, it

will fund only 22 of those positions. Eighteen of the 22 positions do not represent additional personnel, only a change in accounting methods. These 18 positions are currently (FY 1984) filled and funded by other District agencies. The FY 1985 budget merely proposes to convert these existing positions to positions funded by the appropriation of the Office of the Corporation Counsel. The remaining four positions were added by the Council. Two of the four attorneys are necessary to handle implementation of D.C. Act 5-124, the Health Care Assistance Reimbursement Act of 1984, now laying over before Congress. (This act will allow the District more effectively to recover Medicaid payments in situations where third-party tortfeasors cause injuries which are treated under Medicaid. Thus, it is expected that these positions will generate income substantially in excess of their expense.) The remaining two attorneys will be assigned to the Child Neglect Unit. (See Question 2. below.)

SENATOR SPECTER:
2a. Attorney support for child abuse and neglect cases is to be increased. How many attorneys are currently assigned and how many are to be added?

MS. REID:
2a. There are currently four attorneys assigned to handle child abuse and neglect cases. Two more are to be added.

SENATOR SPECTER:
2b. How will this enhance the District's ability to assist in these cases?

MS. REID:
2b. The number of reported child abuse and neglect cases has risen 30% in the past year. Each of the four attorneys currently assigned carries a caseload of 118 new abuse and neglect cases a year, plus an average of 1,500 periodic court reviews required by law. The two new attorneys will assist the District in handling these difficult and sensitive cases. In addition, the new attorneys will assist the District in complying with the recently enacted provisions of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272, June 17, 1980) which require the District to make a showing to the court that, prior to the removal of a child, reasonable efforts have been made to prevent the removal.

SENATOR SPECTER:
2c. What role will the Department of Human Services play?

MS. REID:
2c. The Department investigates complaints of child abuse and neglect, refers such cases to court, provides preventive services to retain the family unit where possible, makes foster care placements and plans for adoption. The additional attorneys will allow more effective response to requests for representation of the Department at disposition hearings, reviews and contested adoptions. The presence of attorneys at more of the hearings will assure that appropriate orders are entered to comply with P.L. 96-272 and with other legal requirements, as well as to assure that commitments are properly extended.

Office of Criminal Justice
Plans and Analysis

SENATOR SPECTER:
1. How much of the OCJPA increase in positions and dollars is related to the transfer in of the Civilian Complaint Review Board and how much is for program increases? Please Explain.

MS. WILSON:
1. All but $5,000 of the OCJPA increase is related to the transfer in of the Civilian Complaint Review Board. The $5,000 is for OCJPA within grade increases.

SENATOR SPECTER:
2. What are some of the current major projects the office is currently undertaking and plans to undertake in fiscal year 1985. Please note when they were started, the current status and the planned completion date?

MS. WILSON:
2. The following are some of the major projects of the office during FY 1984 and FY 1985.

A. Justice Management Information System: The office is collecting monthly summary statistics from individual justice agencies and will shortly begin issuing monthly reports on the overall state of justice operations to the Mayor and the Justice System Board. The objective is to provide regular status reports by which the major policy makers can monitor justice activities and make informed decisions regarding justice goals and issues. Started: August 1983. Status: collecting data/designing reports. Completion date: on-going.

B. Parole Improvement Plan: The office is undertaking a study of parole in the District of Columbia, its history, its current rules and regulations, recent decisions and results, developments in other states, and recommendations for improvement in the District. Started: April 1984. Status: In final revision. Completion date: June 1984.

C. Evaluation of Risk Assessment Model: The office is evaluating a risk assessment model which was developed in the state of Iowa that purports to predict the risk of future criminal involvement by parole candidates. The office has researched subsequent histories of all persons released on parole during 1980. With this data the office is applying the criteria of the Iowa model to ascertain whether the model would have successfully predicted the post-release behavior of the 1980 parolees. If model proves successful, it will be incorporated into District parole guidelines. Started: October 1983. Status: data collected; conducting preliminary analysis. Completion date: August 1984.

D. Serious Juvenile Offender: The office is researching the histories of all juvenile offenders who were processed through the major offender unit of the Corporation Counsel during 1981 to determine patterns of common characteristics regarding family, geography, education, and medical and social histories. The office will also research subsequent histories of the older 1981 offenders who have had involvement with the adult criminal justice system to determine behavior patterns that have carried over into adult experience. This data will be used to formulate improved strategies for earlier and more effective intervention in the careers of future juvenile offenders. Started: November 1983. Status: Preliminary data collected but study postponed so that parole studies can be completed. Completion date: April 1985.

E. Technical Assistance to Small to Medium Sized Businesses: The office is sponsoring workshops for small to moderate sized businesses on crime: what is occurring in local business neighborhoods, prevention strategies, what to do when a crime occurs, and how to assist the prosecutor and courts process cases more effectively. These workshops are directed toward those businesses that are too small to have full-time security personnel. Started: March 1984. Status: three scheduled for summer and early fall. Completion date: on-going.

F. Interagency Youth Project: The office is administering a pilot project that will serve 60 multiproblem youth. The project provides a range of treatment services to youth who require more treatment and care than routine probational supervision but who do not need 24 hour residential confinement. Using programs and staff from a number of District agencies, as well as contacted private service providers, the objective of the project is to test whether this interagency out-patient approach can be more effective and less costly than traditional single agency supervisory practices. If the project is successful, it will be incorporated permanently into District operations. Started: October 1983. Status: Treating 32 clients. Completion date: September 1985

G. Law School Assistance Program: The office is providing legal assistance to indigent District residents through contracted assistance to Law School Clinical Programs. When the Federal government reduced its support of these programs and services, it invited states to share in providing legal assistance to the

poor. This program is the District's response. Moreover, the District concluded that provision of legal services to indigents through law school clinical programs in which nonpaid law students, supervised by paid attorneys, provide these services is more cost-effective than providing these services directly. In administering this program the office solicits and reviews proposals from District law schools and awards and monitors the performance of contracted services by these law schools and their clinical programs. Started: January 1983. Status: Four clinical programs currently under contract or in the process of being contracted. Completion date: on-going.

PUBLIC DEFENDER SERVICE

SENATOR SPECTER:
1. What, if any effect have recent changes in the Criminal Justice Act program had on PDS?

MR. CARTER:
1. The recent changes in the CJA program have had an impact on workload of both the Service's Criminal Justice Act office and the Service's Legal Services Division.

The PDS Criminal Justice Act office assists the court with the administration of the CJA program. As a result of recent changes in the program, the number of private practitioners seeking court appointments has increased. This has escalated the demand for registrations the office must process, and the number of orientations for new practitioners. This influx of new attorneys has substantially increased the number of attorneys available for appointment on a daily basis. In recent months that number has increased from an average of 30-40 attorneys per day to 80-110 attorneys daily. All of those individuals must call the CJA office daily to indicate their availability. In order to handle this volume the Service installed a separate telephone line for this purpose, greatly expanded the hours for attorneys to call in, and developed a procedure utilizing a telephone answering machine. Additional new procedures were developed to more closely track the recent appointments received by practitioners in order to assist the appointing Criminal Commissioner in an equitable distribution of cases. A further impact has been the increased need of the appointing Commissioner for information on the practitioners' prior litigation experience in order to assess their level of competence for various types of cases. The expanded number of private practitioners has also increased our office's workload through an increased need for administrative files and records in order to follow and document those attorneys' appointments.

In the agency's Legal Services Division, the increased number of private practitioners has increased the demand and need for training and consultation by PDS staff attorneys. Many of the newer CJA practitioners do not have extensive experience in criminal law and they rely upon PDS for advice. The Service has regularly maintained an attorney on duty in the office on a rotating basis in order to be available for requests for assistance in tactics or motions practice from the private bar or for questions from the public. These calls have increased. During the job action last fall the PDS held weekly seminars on bail hearings, initial court procedures and appropriate statutory and case law. Since that time the agency's Training Director has continued consultations with firm attorneys who accepted appointments during that period. Special training seminars have continued to be offered by PDS for all interested practitioners, most recently covering changes in case law and legislation, particularly in the area of sentencing. One such seminar was held May 19th for attorneys handling juvenile delinquency cases; another is scheduled for the end of June for criminal division practitioners. The agency offers these training sessions and consultations free of charge as part of its commitment, and obligation, to provide technical assistance to the private bar and to improve the quality of representation in criminal cases.

SENATOR SPECTER:
2. What percentage of indigent cases does PDS handle?

MR. CARTER:
2. In FY 1983 PDS was appointed to 14.6% of the total indigent cases within its jurisdiction. The statistics for FY 1984 are somewhat lower, 10.3% for the first six months (see insert below). The PDS staff attorneys are consistently assigned to complex felony cases which require substantial resources, both in terms of attorney time and support by investigators and expert witnesses. In FY 1983, 74% of the Service's felony caseload was classified as "most serious" carrying maximum terms of imprisonment of 15 years to life. The figure for the first six months of FY 1984 was 76.4%.

FY 1983

PUBLIC DEFENDER SERVICE

	Total Court Appointed Eligible/Papered Cases In PDS Jurisdiction	PDS Appointments	% PDS of Total
Criminal Division	11,188	966	8.6
Family Division	2,695	495	18.4
Mental Health Division	1,628	810	49.8
Total	15,511	2,271	14.6

First Six Months FY 1984

	Total Court Appointed Eligible/Papered Cases In PDS Jurisdiction	PDS Appointments	% PDS of Total
Criminal Division	6,697	344	5.1
Family Division	1,678	265	15.8
Mental Health Division	631	322	51.0
Total	9,006	931	10.3

SENATOR SPECTER:
2a. Also, what percentage of defendants in the District qualify for court-appointed counsel?

MR. CARTER:
2a. In the Superior Court of the District of Columbia in FY 1983, 90.1% of all adult and family division juvenile cases were determined to be financially eligible for court-appointed counsel. Of the total number of cases entering the system, 77.6% were both eligible for court-appointed counsel and papered (actually prosecuted). In the first six months of FY 1984, 91.4% of the cases were financially eligible for court-appointed counsel and 75.2% of the court's caseload was both eligible and papered.

D.C. PRETRIAL SERVICES AGENCY

SENATOR SPECTER:
1. The Agency is requesting no staff increase in fiscal year 1985. What is the ratio of pretrial releases to supervising personnel? Please provide this information for the past two years and the anticipated 1985 ratio, also include information on national standards or similar information from other jurisdictions.

MR. BEAUDIN:
1. Actually, Senator, the Executive Committee of the Pretrial Services Agency did request additional positions for the post-release supervision staff, but that request was not approved by the city government.

At the present time, seven pretrial services officers are assigned to the release supervision staff. The number of releasees awaiting trial and under Agency supervision is approximately 6500, giving a supervision ratio of 928 releasees per staff member. Having said that, let me bring to your attention several items of additional information.

First, the Agency does not use a caseload approach, as is common in probation offices.

Second, the number of pretrial services officers specifically assigned to the supervision unit is not reflective of the Agency's total supervision effort. Many other parts of the Agency are organized in such a way as to provide on-going supervision of releasees. For example, all releasees receive written notification letters reminding them of upcoming court appearances. These letters are generated in an automated fashion. Also, since the Agency is staffed on a 24 hour basis, the night division of the Agency, which is primarily responsible for conducting interviews for arrestees eligible for citation release, handles many supervision functions such as accepting defendant check-in calls at night, conducting curfew checks, and preparing violation reports.

Third, supervision of defendants assigned to narcotics surveillance as a condition of release is conducted by the Agency's recently established Drug

Detection Center, currently funded by the Department of Justice. This unit collects and analyzes urine samples from defendants with a history of drug abuse on a weekly or twice weekly basis, and reports violations of release conditions to the Court and to the United States Attorney's Office.

Finally, approximately 13% of the 6500 releasees are in third party custody programs, under varying degrees of strict supervision.

The number of releasees under agency supervision at any given time has increased dramatically over the last three years. This increase is directly attributable to the increasing time between arrest and final disposition. As court backlogs grow, so too grows the supervision workload as more defendants have more scheduled appearances and wait longer periods of time to final disposition. In response to this backlog, and realizing that the Agency's supervision services were severely strained, the Agency requested additional positions specifically for pretrial release supervision.

In 1984 we had approximately 6100 persons on release with 7 officers assigned for a ratio of 871 to 1 and in 1983, there were about 6000 persons to be supervised by 7 officers for a ratio of 857 to 1. We anticipate a total caseload (ongoing) during 1985 of 6800 (if no new judges are added to the Superior Court Bench) and the same 7 positions for a ratio of 971 to 1.

There are no national standards nor are there comparable figures from other jurisdictions since D.C.'s rates of release on non-financial conditions far eclipse the norm. We believe that a competent job can be done with 13 supervisors or a 500 to 1 ratio.

SENATOR SPECTER:
2. What has been the recent history, for the last two years, with the number of violations of release conditions?

MR. BEAUDIN:
2. In 1983, the Agency submitted 1184 violation notices to the courts and the United States Attorney's Office. The bulk of these (430) were for violations of the conditions to report for and participate in drug treatment programs administered by the Alcohol and Drug Abuse Services Administration (ADASA). There were 187 reported violations of third party custody conditions. Despite the large number of violations reported, the Agency received notice of only 60 hearings to address these violations. While there may have been additional hearings of which the Agency had no knowledge, these figures illustrate a continuing problem in the lack of swift enforcement of release condition violations.

In 1982, the Agency forwarded 1010 violation notices. Of these, 94 resulted in hearings to consider the violations.

It should be noted that there are many more -- what I might call -- technical violations that are not reported by agreement among the courts, prosecutors and us. These include such things as missing a call or two to report to our agency, moving and forgetting to notify us, changing jobs without notice, etc.

BOARD OF PAROLE

SENATOR SPECTER:
1. The Board's fiscal year budget of $893,000 represents an increase of 25 percent over the current year. Most of the increase is noted to cope with additional caseload. What other measure is the Board considering to manage the caseload? What is the projection of the future of the caseload?

MRS. JUST:
1. The major portion of the requested increase is for office rent, and purchase and rental of equipment. The projected 9 percent increase in caseload is based upon actual experience in 1982 and 1983 when the increase was 10 percent. The Board projects that its caseload will also experience a slight increase in fiscal year 1986 and should then remain fairly constant through fiscal year 1991, when a decrease should be experienced. These projections grow from the District's experience and forecast relative to prison population. The prison population reached a peak in 1983 and has remained fairly constant during 1984. There is a probable lag time of 3 to 4 years relative to impact of prison population on parole caseload. The Board has formally submitted a technical assistance proposal to the U. S. Department of Justice, National Institute of Corrections for a grant to finance the design of an automated case management information system. Such a system would increase the efficiency of case processing and facilitate evaluation.

SENATOR SPECTER:
2. At a hearing on March 27, 1984, Chairman Just mentioned that the Board was seeking grant funds to design an automated data system. What is the status of this request and how much would such a system cost?

MRS. JUST:
2. A grant in the amount of $14,931 has been formally requested from the National Institute of Corrections. A decision on the Board's proposal is pending. We expect the project to be of 8 months' duration. It is difficult to project the cost of the actual computerization of the Board's records in advance of the system's design. However, educated estimates of the cost range from $75,000 to $150,000. Staff requirements to maintain the automated system are not included in these estimates.

OFFICE OF EMERGENCY PREPAREDNESS

SENATOR SPECTER:

1. The Office is seeking three additional staff positions in fiscal year 1985. What is the reason for this increase?

MR. YELDELL:

1. Although the FY 85 budget reflects the three positions as an increase to the Office of Emergency Preparedness' budget, they represent no actual increase in the agency's staffing pattern. The personnel occupying these positions have been on loan to the agency from the Department of Human Services for over a year and have been performing in the following essential roles:

   a. Deputy Director
   b. Special Assistant to Director for Automatic Data Processing
   c. Program Analyst for Federal Emergency Management Agency (FEMA) programs.

   This budget action simply permanently redirects these positions to the Office of Emergency Preparedness.

SENATOR SPECTER:

2. You are planning a 24-hour citizen information system designed to relieve the 911 system of non-emergency calls. What types of calls and information will this new service seek to handle?

Mr. YELDELL:

2. The 24-hour citizen information system is being designed to handle requests for citizen assistance such as trash removal, and/or pickup, emergency water service, no heat/hot water etc., and to provide the citizenry with basic information on the availability and delivery of governmental services.

SENATOR SPECTER:

3. Will the 911 system be able to transfer non-emergency calls to this new system automatically?

MR. YELDELL:

3. The present 911 system does not possess the ability to automatically transfer non-emergency calls; however, a switching device will be installed between the police operators and this office to allow the operators to signal us that a call on 911 should be handled by this office. As the District moves forward with "enhanced 911", automatic transfer will be available.

SENATOR SPECTER:

4. Will the new number also be a 3-digit number?

MR. YELDELL:

4. We are exploring with the C&P Telephone Company the possibility of utilizing a 3-digit number for our citizen information system.

DISTRICT OF COLUMBIA NATIONAL GUARD

SENATOR SPECTER:
1. The fiscal year 1985 budget requests are additional full time staff person to expand its community outreach to youth programs. How does this program work and what are the goals?

MG FRANKLIN:
1. The additional personnel authorizations requested would provide The DC National Guard with the capacity to expand its present community support throughout a broader range of services, one of which would be for the youth of the metropolitian area. Current youth programs include:

a. A nationally acclaimed annual fifteen day Youth Leader Camp for selected high school students conducted with financial support from local businesses and coordinated through the Metropolitian Washington Board of Trade.

b. Summer youth employment.

c. Skill training for selected high school students.

d. Job fairs' in conjunction with Civic groups such as "The Tuskeegee Airmen.

e. Boy Scouts of America.

f. Big Brothers of America.

g. High School and College ROTC support.

The DC National Guard youth program goals are to:

a. Present a positive military awareness to the community by its National Guard which derives its membership from the community.

b. Supplement the available government local youth recreation, training and civic programs.

c. Enhance DC National Guard recruiting and retention.

SENATOR SPECTER
2. How many times was the Guard called out within the past year, for what purpose?

MG FRANKLIN
2. The most recent federal call-up of the Guard was in support of civil authorities during the 1968 domestic disturbances. The Guard supported civil authorities in a training status during the "March on Washington" on 27 August 1983. Other activities supported in training status include several official parades and events, such as the Annual Cherry Blossom Festival and the Redskins City Sponsored Super Bowl celebrations. Plans are currently being made for Guard participation in the forthcoming Presidential inauguration.

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

SENATOR SPECTER:
1. What impact if any do you forsee on your caseload from the addition of seven additional Superior Court judges.

DR. CATOE:
1. The Commission anticipates receiving an increased number of complaints due to the addition of seven judges to the Superior Court bench. Each fiscal year, except 1982 and 1983, the Commission has experienced an increase in the number of complaints it received from the previous fiscal year. The Commission thus far in fiscal year 1984 has exceed its projection of the number of complaints it anticipated receiving for the entire fiscal year. The expansion of the Superior Court bench will increase the number of additional complaints the Commission receives in fiscal year 1985 and in succeeding fiscal years. Any increase in the number of complaints the Commission receives in a fiscal year impacts on its workload. A moderate increase in the number of complaints received in fiscal year 1985, more than likely will require the Commission to meet more than once a month, will increase the Commission's expenses for legal and investigative services and fees, and will increase the administrative workload of the staff.

JUDICIAL NOMINATION COMMISSION

SENATOR SPECTER:
1. Aside from the one time requirement to process 21 nominations for the seven new Superior Court judges, do you foresee a continuing annual increase in the Commission's workload as a result of this increase?

MR. BRANTON:
1. No. The seven new judges will be younger in age and it should be several years before we would have to consider their replacements.

SENATOR SPECTER:
2. Do you believe that a modification should be made to District law addressing the situation where a number of judges are added to D.C. Courts at one time? If so do you intend to make such a recommendation to the appropriate officials?

MR. BRANTON:
2. No. The problem can be taken care of in any legislation that adds judges. However, there is a need to allow the Commission more than the present 30 days time in which to recommend persons for any vacancy that develops on the court. We will make recommendations to the appropriate officials.

LAW REVISION COMMISSION

SENATOR SPECTER:
1. Mr. Danzansky, how will the requirement that the members serve without compensation during a portion of the year affect the Commission's work?

MR. DANZANSKY:
1. In view of the budget cuts imposed by the Council, I have been discussing the question of the impact of the nonpayment of stipends on the Commission's work with members of the Commission. Several members of the Executive Committee have stated that, if there were insufficient funds, they would waive their entitlement to stipends in order to enable the Commission to continue. The Commission has not formally voted on the matter pending the completion of the budgetary process; therefore, the precise effect on participation and attendance is not known. However, it is hoped that a sufficient number of Commissioners to constitute a quorum would be disposed to contribute their time. On the whole, I do not think that it is a good policy to ask a professional group to perform services for the District government without some compensation, although, in view of the alternatives we faced during the Council's budget consideration, we had little choice. However, I am confident that the members of the Commission will continue to perform their statutory responsibilities during the coming fiscal year with same enthusiasm as they have in the past.

SENATOR SPECTER:
2. Mr. Danzansky, please give the Committee a little background on the working of the Commission. How often it meets, its recent accomplishments and future goals?

MR. DANZANSKY:
2. The Law Revision Commission was originally established by Congress in 1974 by Public Law 93-379 to examine the laws of the District of Columbia on a comprehensive basis and to recommend changes and reforms for the purpose of remedying defects and anachronisms in order to bring the law into harmony with modern conditions. It was first funded in 1976. When the life of the original Commission ended in 1981, the Council reestablished it as a permanent District agency by unanimously enacting D.C. Law 3-119. Its 17 members are appointed by the following federal and local authorities: the President, the Chairman of the Senate Governmental Affairs Committee, the Chairman of the House District Committee, the Mayor, the Council, the Joint Committee on Judicial Administration, the D.C. Bar, the Public Defender, and the Corporation Counsel. The Commission is divided into three working Task Forces on civil, administrative, and criminal law. The Task Forces, with the assistance of the staff, examine areas of the law, meet with experts and representatives of interested governmental agencies and private associations, and develop proposals for submission to the full Commission. The full Commission meets approximately once a month to establish priorities and to consider task force proposals. The Task Forces meet at approximately the same interval.

The Commission devoted its initial efforts to the preparation of a Basic Criminal Code for the District. After the Council made the Commission a permanent District agency in 1981, the Commission expanded its efforts to the revision of important areas of the

District's civil and administrative law. In 1982 the Commission published a comprehensive D.C. Administrative Procedure Manual for use by government agencies and laypersons, which explains each provision of the D.C. Administrative Procedure Act, D.C. Freedom of Information Act, and D.C. Document Acts. This year, the Commission completed three related revisions of the insurance law of the District, developed by the Administrative Law Task Force--the Agents and Brokers Licensure Act, the Unfair and Deceptive Insurance Practices Act, and the Surplus Lines Insurance and Nonadmitted Insurers Act. In addition, the Commission is currently considering a comprehensive Health Occupation Revision Act developed by the Civil Law Task Force. The Criminal Law Task Force is examining the hundreds of offenses outside of title 22 of the Code that could be consolidated under the District's Theft and White Collar Crimes Act.

The Commission intends to continue the massive task of revising the antiquated laws of the District. It anticipates that it will continue revising the insurance laws and the laws relating to health and environment. In addition, it will study the feasibility of decriminalizing certain areas of the law and substituting systems of administrative adjudication, and it will commence work on the real property laws, which are some of the oldest laws in the nation.

SENATOR SPECTER:
3. Do other states have such Commissions, which ones?

MR. DANZANSKY:
3. A large number of the states have Law Revision Commissions or government agencies that perform similar functions. They include the Alaska Code Revision Commission, Arkansas Statute Revision Commission, Arizona Legislative Council, California Law Revision Commission, Colorado Statutory Revision Committee, Connecticut Law Revision Commission, Florida Legislative Law Revision Council, Indiana Legislative Council, Kentucky Legislative Research Commission, Louisiana State Law Institute, Maryland Commission to Revise the Annotated Code, Michigan Law Revision Commission, Minnesota Revisor of Statutes, Nebraska Revisor of Statutes, New Jersey Legislative Services Commission, New York Law Revision Commission, Ohio Legislative Services Commission, Oklahoma State Legislative Council, Oregon Legislative Council, South Carolina Code Commissioner, South Dakota Legislative Research Council, Tennessee Code Commission, Texas Legislative Council, Vermont Statutory Revision Commission, Virginia Code Commission, and the Washington Statute Law Committee

DEPARTMENT OF PUBLIC WORKS

SENATOR SPECTER:
1. The budget document indicates that the fiscal year 1985 budget for the Department will enhance revenue generation. Please explain, include current revenues and the anticipated increase?

MR. TOUCHSTONE:
1. The Department's budget request includes several increases that will enhance or maintain current revenue generation. An increase of $12,000 for nighttime parking enforcement will generate approximately $200,000. An increase of $35,000 will purchase replacement automobile immobilization devices and replacement parts which generate approximately $54,000 over the life of each new or refurbished boot.

An increase of $275,000 will purchase 1,000 parking meters which are necessary to replace damaged meters as well as for new installations as required by commercial development. Funding of $44,000 has been requested for those positions whose primary function will be in the area of traffic fine collections from residents who have committed moving violations within the District and have not paid their fines. The revenue estimates for traffic fines ($20,000,000), booting ($360,000) and parking meters $7,700,000) were not increased in FY 1985. The impact of these items in this fiscal year are nominal due to procurement lead time, installation lead time for parking meters, hiring and training lead time, and the fact that some of the equipment is for replacement.

SENATOR SPECTER:
2. What is the status of the District's streetlighting and traffic signal funding proposals?

MR. TOUCHSTONE:
2. The proposal to transfer the cost of streetlight and traffic signal energy and maintenance services from the District government to all PEPCO rate payers was denied on February 9, 1984 by the Public Service Commission in Rate Case 807, Order No. 7969. Therefore, the District government must continue to pay PEPCO directly for the energy amd services.

SENATOR SPECTER:
3. What is the cost and schedule for the District's traffic signal system modernization?

MR. TOUCHSTONE:
3. The cost of the traffic signal system is 34 million dollars. The project procurement started on June 15, 1984. Construction should begin by the end of this calendar year.

SENATOR SPECTER:
4. What are the major new starts that will be undertaken in FY 1985

MR. TOUCHSTONE:
4. New starts in FY 1985 can be broken down into three general areas concerning capital construction, the Water and Sewer fund, and the general fund.

In FY 1985 we expect to begin implementation of all twenty-two projects included in the Capital Budget, including both the Capital and Enterprise Fund projects. Fifteen of these are continuing projects such as Street Resurfacing, Sewer Rehabilitation and Major Roof Repairs, which provide for rehabilitation work at several locations. Major projects receiving FY 1985 budget authority which will enable them to start construction in FY 1985 are:

A05	Downtown Street Improvements
CD5	Bridge Rehabilitation and Reconstruction: Key Bridge
LA153	Public Works Maintenance Facility
LA504	Blue Plains Wastewater Treatment Plant: construction of additional facilities to meet discharge permit requirements
LA573	Combined Sewer Overflow Abatement Program
LA803	Trunk and Secondary Watermains: 12th and W Streets, NW

Under the Water and Sewer fund new emphasis will be put on upgrading waste water treatment plant maintenance and water bill processing and collection by the following initiatives.

Adding, to the Office of the Administrator, a plant manager and two process control specialists, ($206,000 - 3 positions).

Adding five positions in wastewater treatment to staff the multimedia filtration facility and help meet stringent effluent permit standards, ($1,604,000 - 5 positions).

Adding five positions in solids processing to minimally man the facility on a 24-hour basis to meet permit and operational standards, ($125,000 - 5 positions).

Providing funds for grit removal by contract to restore full operating capacity to major pieces of treatment equipment, thereby allowing greater flow through the system and decreasing solids residual output, ($609,000).

Adding thirty one electrical and mechanical maintenance employees to perform catch-up corrective maintenance and some preventive maintenance of the sophisticated, valuable plant equipment, ($5,452,000 - 31 positions).

Providing funds for the overhaul of the 28 nitrification sedimentation tanks to prevent operational failure of the plant and increase the life of the system, ($1,923,000).

Design and implementation of a new water billing system, ($726,000 - 7 positions).

Implementation of a portable meter reading program resulting in more accurate meter readings and more accurate bills, ($50,000).

Under the general fund, a new initiative to modernize the equipment fleet will begin with emphasis on replacement of the oldest, most costly to maintain equipment. Increases in the budget are also inincluded for areas where maintenance has been deferred in the past such as bridge painting, low cost roadways, building repairs, bridge deck repairs and tree trimming.

SENATOR SPECTER:
5. What is the current state of deferred maintenance that this budget addresses. Please give specific information on miles of road, bridges, water pipes, and water meters that are beyond the normal maintenance schedule and how many you intend to repair this year?

MR. TOUCHSTONE:
5. There are 2,500 abandoned water taps in the system. One tap removal crew has been requested to reduce this backlog. Removal of these taps will reduce water leakage and increase system availability for new service.

At the present time 20 miles of sewer are cleaned annually (there are 1,800 miles in the system). Scheduled inspections and cleaning have been abandoned. We are now responding only to complaints. An additional four man crew will double this cleaning capacity.

There are 27,000 basins in the system, 17,000 of which are cleaned annually. Minimal cleaning need is twice annually. One catch basin cleaning crew of two will permit the cleaning of an additional 4,000 catch basins annually.

Two high pressure water cleaning crews of two men each will restore the routine sewer maintenance program.

D.C. Law 1-98 provides that the District of Columbia is responsible for the repair and maintenance of water service pipes and building sewer connecting lots with watermains and the public sewer. Prior to this law this work was performed at the expense of the property owner. Adequate budget authority was never provided for this program resulting in a current backlog of 300 building sewers in need of repair. Approximately 160 new service repairs are requested annually. An additional crew will double the current repair effort and will prevent the backlog from increasing.

High voltage switch gear is required by D.C. law 21-7 to be tested and inspected at least every three years. It has been six years since this work was performed. This work is critical because water distribution, removal of stormwater and sanitary sewage from the city, and continuous operation of the Blue Plains Facility all depend on high voltage electrical equipment. This budget provided $200,000 for this work.

A $1,491,000 increase is requested in FY 1985 to overhaul the 28 nitrification sedimentation tanks. These tanks, which have been in operation for only three years, will require a complete overhaul in FY 1985. This equipment has been patched and repaired on a continuous basis, requiring, for example, the expenditure of approximately $200,000 for bolt replacement alone in FY 1983. Failure of as few as six of the 28 tanks, on an annual basis, will increase the operating cost of the plant by approximately $470,000. This situation has existed for the past year, even with a crew of 13 people working full time on repairs at an annual cost of $670,000. This overhaul will begin in FY 1985 and conclude in FY 1986. The replacement materials have proven to be exceptionally long-lived and far easier to maintain as opposed to the steel, cast iron and redwood components of the existing system. Anticipated life should, at a minimum, be doubled, thus saving hundreds of thousands of dollars in repair costs alone. The scope of work required for the overhaul of the nitrification sedimentation tanks would require almost total dedication of this division's personnel. If this work were performed in-house, the remainder of the plant would be left unattended. An overhaul contract is therefore required for this project. The Water Meter and Measurement Division has an aggressive program to relocate approximately 23,000 inside residential water meters to outside areas, so they can be read more conveniently. The division has the resources to relocate approximately 1,000 meters annually. In addition, the division changes an estimated 270 bad risers (an adapter between the meter and service pipe) annually to allow for the replacement of other defective meters. An additional $1,085,000 and four positions are budgeted to accelerate the meter relocation program. Dollars are redirected within the division ($155,000) and from Water Distribution ($930,000) to finance this program. With the additional resources the division can relocate approximately 9,000 meters and replace 850 risers in FY 1985. This program, when completed, will improve meter accuracy, increase revenues, and eliminate water and sewer bills that are estimated because the meter reader cannot gain access to the inside.

There are 143 bridges in the District which require painting on an average of once every six year. This would indicate a schedule of approximately 24 bridges each year. In the past four years 96 bridges should have been painted but only 31 were painted. In FY 1985, an increase of $60,000 combined with the base availability and Capital reconstruction funds allow for 12 bridges to be painted.

There are currently 61 bridge deck holes with temporary plates on District bridges in need of permanent repair. In FY 1985 an increase of $50,000 will repair eight deck holes. Along with in-house forces and capital reconstruction the total number of deck holes repaired will be 28.

Each of the 100 miles of low-cost roadway should receive surface treatment every five to eight years. This would indicate a schedule of just over 12 miles each year. In the past four years of the 48 miles scheduled for sealing only 19 were completed. In FY 1985 an increase of $150,000 along with the base availability will allow for six miles of roadway treatment.

Currently the District has 100,000 trees which should be trimmed on a six year cycle or approximately 16,000 trees per year. With in-house forces 10,000 trees per year are currently being trimmed. In FY 1985, an increase of $122,000 for contractual trimming will allow for 1,200 additional large trees to be trimmed.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SENATOR SPECTER:
1. The District's share of WMATA costs is $100,326,000, an increase of $1,841,000. How does the service of metrobus and rail compare to current levels?

MRS. MACK:
1. The increase of $1,841,000 represents no increase in metrobus service level from FY 1984 to FY 1985. Metrorail service will be at higher level in FY 1985 with the opening of an additional 13.78 miles on the Red Line to Shady Grove in Montgomery County, Maryland.

SENATOR SPECTER:
2. How much would be requested should the increased federal payment be approved for Metrorail service? What would be the effect if this is not approved?

MRS. MACK:
2. An additional $5,000,000 would be requested for Metrorail operation from the increased federal payment. If this funding would not be approved, the District would have to find monies from other programs to meet its statutory obligations as a

member of the Washington Metropolitan Area Transit Authority Compact. The use of Metrobus operating assistance dollars to pay for the Metrorail subsidy would lead to a significant reduction in bus service levels.

SENATOR SPECTER:
3. The budget assumes a fare increase in July 1984. What are the prospects and what would be the effect if there were none?

MRS. MACK:
3. On April 26, 1984, WMATA's the Board of Directors approved a fare increase for Metrobus and Metrorail. The fare increase is effective June 30, 1984.

School Transit Subsidy

SENATOR SPECTER:
1. Four million dollars is requested for the School Transit Subsidy. How many school children will benefit and are any changes in the program contemplated?

Mr. Touchstone:
1. The total student enrollment in public, private and parochial Schools in the District of Columbia is estimated at approximately 103,000 for 1985. On an average school day 35,000 to 40,000 school trips are made on Metro. However, the same students do not necessarily ride every day. We estimate that during the course of the school year 95% of all students will have ridden on Metro at least once and benefitted from the program.

There are no changes contemplated in the program for FY 1985. We will however, continue our emphasis on eligibility controls. This will restrict subsidized rides on metro to those students who are travelling to and from school, and to and from related educational activities.

REPAYMENT OF LOANS AND INTEREST

SENATOR SPECTER:
1. The request totals $179 million, an increase of $20 million. You also note that this account is on a cash basis rather than an accrual basis. What is the reason for the increase and the change in accounting procedure?

MR. HILL:
1. The following table shows the components of the repayment of loans and interest for the General Fund contained in the budgets for fiscal years 1984 and 1985:

($ in Thousands)

	FY1984	FY1985	Difference
Long-term capital loans	155,697	167,432	11,735
St. Elizabeths Hosp. construction	1,641	1,620	(21)
D.C. Hospitals construction	548	548	...
Unemploy. Compens. Trust Fund	850	4,400	3,550
Short-term interest (net)	...	5,000	5,000
Totals	158,736	179,000	20,264

The debt service for long-term capital loans, the largest component of increase, is $11,735,000 higher in the FY 1985 budget than in the FY 1984 appropriation. New debt service payments on additional Treasury capital loans drawn in FY 1983 first occur in FY 1985. The $5,000,000 difference for short-term interest represents a real increase of only $1,250,000 since this item is budgeted as a separate agency in FY 1984 at $3,750,000. The third component of change is the $3,550,000 difference in interest payments for Treasury advances to the Unemployment Compensation Trust Fund. In FY 1984 all but $850,000 of this requirement is budgeted in the Unemployment Compensation agency. There has been no change in the procedure for accounting for the repayment of loans and interest. Although the budget is on a cash basis, the District will continue to be required to report debt service expense on an accrual basis in its annual financial statements.

SENATOR SPECTER:
2. What portion of the request is needed for capital borrowing? Please state separately the amount intended for fiscal year 1984 bond issuance, Saint Elizabeths Hospital Construction, interest on Unemployment Compensation Trust fund and net interest on 1985 short-term borrowings.

MR. HILL:
2. An amount of $167,432,000 is contained in the FY 1985 General Fund budget as the cash-basis debt service on long-term capital borrowing. When the FY 1985 budget was prepared it was very uncertain how the District would obtain funds for its large, ongoing capital program. In face of this uncertainty, it was assumed that the Chadha impediment to District debt issuance would be removed in time for refinancing in FY 1984 all of the 1981 and 1982 Treasury loans for both the General and Water and Sewer Funds with proceeds from general obligation bonds. The FY 1985 General Fund debt service related to these refinancing bonds was calculated at $24,476,000. The amount budgeted for amortizing the Saint Elizabeths construction costs is $1,620,000. Interest payments on the cash advances to the Unemployment Compensation Trust Fund are budgeted at $4,400,000, and $5,000,000 is included as the net interest on short-term borrowing during FY 1985. Now that the Chadha problem still remains, however, and the prospects for market financing are no less uncertain, it is clear that the requirements for FY 1985 debt service will have to be re-evaluated. It is possible that budgetary pressures will increase, but at this juncture the exact amount of authority needed is unknown.

REPAYMENT OF THE GENERAL FUND DEFICIT

SENATOR SPECTER:
1. The budget includes the sum of $10,100,000 for retirement of the accumulated general fund deficit in fiscal year 1985. Where does this request place the District in its announced 10 year plan to eliminate this deficit?

MS. REVEAL:
1. At the directive of Congress, in April 1983 the District developed a plan to eliminate its accumulated general fund deficit in ten years without relying solely on deficit funding bonds. This plan contained three parts:

a. The District would eliminate up to $100 million of the deficit over ten years by allocating in its annual general fund budget not less than $5 million and not more than $20 million to deficit reduction.

b. The federal government would make special annual payments matching the District's actual annual performance up to $100 million over the ten-year period.

c. The District would be authorized to issue up to $100 million of its general obligation bonds to fund the accumulated deficity on a one-time basis.

Since the plan was submitted the District has reduced the accumulated deficit by $17 million. The Mayor has submitted to the District Council a request for a supplemental FY 1984 appropriation setting aside $15 million in revenue for financing a further reduction in the deficit. Adding the $10.1 million contained in the FY 1985 budget, the District has provided on its own for reducing the deficit by $42.1 million in three years. If the District is successful, it will have achieved 42 percent of its $100 million goal in three years. In addition, the District will have achieved this goal by itself, with no federal assistance, no federal effort to participate in the reduction of a massive deficit the federal government was a active partner in creating, and no federal response to the role proposed for the federal government in the April 1983 plan.

SENATOR SPECTER:
2. What is the status of the fiscal year 1984 set aside of $15 million?

MS. REVEAL:
2. The Mayor recently submitted to the District Council a request for a FY 1984 supplemental appropriation which contained $15 million for reducing the accumulated general fund deficit.

ENERGY ADJUSTMENT

SENATOR SPECTER:
1. This negative adjustment permits the Mayor to reduce the energy object class of various agencies for a total of $65,000. How is this figure arrived at?

MS. REVEAL:
1. In the process of aggregating and voting on all of the FY 1985 budget recommendations of the various committees of the District Council, an amount of $65,000 was erroneously omitted. Following a practice often used in the past, the relatively very small error was compensated for in the General Fund financial plan by including an equal but negative adjustment in expenditures on energy. Energy savings of this amount in the upcoming budget year may be possible, but, until further information is gained about precise expenditure requirements, the savings will not be allocated among the agencies.

DEPARTMENT OF PUBLIC WORKS

ENTERPRISE FUND

WATER AND SEWER UTILITY ADMINISTRATION

SENATOR SPECTER:
1. Please explain the increase of $48,024,000 and 81 positions?

MR. TOUCHSTONE:
1. The FY 1985 budget provides specifically for an improved ability to maintain the complex and valuable physical plant associated with the provision of water and sewer services as follows:

Water services are being upgraded through:

1. The addition of one tap removal crew. This will reduce the backlog of 2500 abandoned taps still in the water system. Removal of these taps will reduce water leakage and increase system availability for new connections. ($339,000 - 6 pos.)

2. The relocation of approximately 8,000 indoor water meters to an outside location for more accessibility for reading, repair and replacement, thereby reducing the reliance on estimated bills. ($155,000 - 4 positions)

Sewer services are being upgraded through:

1. Provision of personnel and equipment for sewage screening cleaning at the sewage pumping stations. ($200,000 - 3 pos.)

2. The provision of one sewer cleaning crew to double current sewer cleaning capabilities and help eliminate the cleaning backlog, one catch basin cleaning crew to permit the cleaning of an additional 4,000 catch basins in addition to the 17,000 currently being cleaned annually. This system contains 27,000 catch basins which should be cleaned at least twice a year, two high pressure water cleaning crews to restore the routine sewer maintenance program, ($578,000-10 positions)

3. The provision of one building sewer repair crew to meet the District's responsibility under D.C. Law I-98, ($617,000 - 5 positions)

All of the above improvements will make our system more reliable and reduce the inconveniences to our customers caused by service interruptions.

The most critical maintenance problem the utility has is the wastewater treatment plant. Maintenance of this highly sophisticated facility, built at considerable expense to the District, EPA and others, will be upgraded by:

1. Adding, to the Office of the Administrator, a plant manager and two process control specialists, ($206,000 - 3 pos.)

2. Adding five positions in wastewater treatment to staff the multimedia filtration facility and help meet stringent effluent permit standards, ($1,604,000 - 5 positions).

3. Adding five positions in solids processing to minimally man the facility on a 24-hour basis to meet permit and operational standards, ($125,000 - 5 positions).

4. Providing funds for grit removal by contract to restore full operating capacity to major pieces of treatment equipment, thereby, allowing greater flow through the system and decreasing solids residual output, ($609,000).

5. Providing funds for laboratory services to analyze residual samples to ensure that we meet permit and operational requirements, ($171,000).

6. Providing adequate funds for residual disposal, which has been underfunded in the past years, ($7,853,000).

7. Adding thirty one electrical and mechanical maintenance employees to perform catch-up corrective maintenance and some preventive maintenance of the sophisticated, valuable plant equipment, ($5,452,000 - 31 positions).

8. Providing funds for the overhaul of the 28 nitrification sedimentation tanks to prevent operational failure of the plant and increase the life of the system, ($1,923,000).

To help pay for the above increases and improve cash collections the following improvements to the billing and collection system are planned:

1. Design and implementation of a new water billing system, ($726,000 7 positions).

2. Implementation of a portable meter reading program resulting in more accurate meter readings and more accurate bills, ($50,000).

In 1985 the appropriation of debt service is being included in the utility's budget, ($27,692,000). Debt service, previous to this, had been a separate entity within the Water and Sewer Enterprise Fund. This item will fund the accrued principal and interest costs of loans used to construct aqueduct and utility capital projects and for debt service related to the construction of regional water supply facilities for use during drought conditions.

The remaining increases in the budget are basically attributable to within grade increases, inflation, and full funding for positions assuming a two percent lapse rate.

SENATOR SPECTER:
2. What are the major capital projects planned in the coming fiscal year?

MR. TOUCHSTONE:
2. The total capital request for the Water and Sewer Utility Administration for FY 1985 is $21.9 million. Of that amount, $14 million is to complete construction of facilities at the Blue Plains Advanced Treatment Plant at its currently rated capacity of 309 million gallons of wastewater per day. This amount will be matched by over $42 million in federal grants from the Environmental Protection Agency. This funding will result in the construction of additional chemical systems, a dechlorination system, a maintenance facility, a plant computer system, and facilities for the disposal of residuals through incineration and composting.

We are also asking for almost one-half a million dollars to continue the Combined Sewer Overflow Abatement Program. This program, which will be matched by federal grants which will support 75 percent of the cost, will reduce the introduction of raw sewage when completed, will greatly improve the water quality in the Anacostia and Potomac Rivers and Rock Creek.

The remainder of our requested authority will be used to finance our continuing programs for replacing and rehabilitating our vast underground infrastructure. These projects will result in the replacement of sections of sanitary and building sewers ($3.6 million), undersized and defective watermains ($1 million). These replacements are essential to our ability to provide uninterrupted and effective water and sewer service to our customers.

WASHINGTON AQUEDUCT DIVISION

SENATOR SPECTER:

1. Increases have been offset by reductions, including those related to increased use of contractual services. What services have been contracted for?

MR. WAYS:

1. Guard service at the Washington Aqueduct Division is provided by a contractor through the Small Business Administration. The Washington Aqueduct Division share of the Regional Water Supply Agreement costs are included in Contractual Services. Over half of the amount in Contractual Services is for overhead cost for support services provided by the Baltimore District, U. S. Army Corps of Engineers. This is not a contract, but the money has always been provided under this category. Engineering surveys and some repair work to the conduit system may be undertaken by a contractor during FY 1985. A variety of small maintenance-type contracts are let each fiscal year. Typically, these contracts include trash removal, specialized machine and computer maintenance, tree removal, emergency type engineering investigations and installations, and employee training.

WASHINGTON CONVENTION CENTER

SENATOR SPECTER:

1. The fiscal year 1985 budget calls for an increase of $3.7 million and 18 positions. What is the reason for these increases?

MR. DEMAREST:

1. The budget increase of $3,700,000 will provide for the following:

	Project Cost	Project
	$2,400,000	Double Food Service revenue by purchasing kitchen equipment/leasehold improvements from Waters/Sportservice, food service operator. The cost of the kitchen equipment will be offset by the added rent that the operator will pay to the building over the next five years, projected to reach $2,723,000
	$ 450,000	Increase revenue by purchasing telespot marquee for lease of advertising space. The cost of the marquee will be offset over the next five years. The average revenue per year to be realized from lease of advertising space amounts to $90,000 and ranges from $50,000 in FY 1985 to $115,000 in FY 1989.
	$ 310,000	Improve building maintenance by refurbishing chiller system. The overhaul is necessary to ensure the system's proper functioning and efficient operation and to prevent any down time during a season of heavy snow activity.
	$ 400,000	Improve building maintenance and appearance by sealing exhibit hall floors.
	$ 140,000	Improve building maintenance, sound proofing by installing acoustical panels in Exhibit Hall B and C.
TOTAL	$3,700,000	

The request for 18 positions includes 14 positions which were provided for in the FY 1983 budget, but not included in the FY 1984 budget submission. A reprogramming of funds to support the salaries and fringe benefits for these 14 positions is presently being considered. The FY 1985 request includes these 14 positions plus 4 new permanent positions required to enhance the Center's overall ability to service clients and administrative needs as scheduled events increase. The four new positions include: one Event Coordinator, one Secretary, one Computer Programmer, and one Telephone Technician.

SENATOR SPECTER:

2. How have the Center's operating revenues compared to original estimates for this point in its development?

MR. DEMAREST:

2. The following is a comparision of a FY 1983 five year operating revenue forecast and actual operating revenue earned as of May 31, 1984.

	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
		($000's)			
FY 1983 Forecast	$1,868	$2,736	$3,295	$4,151	$5,097
Actuals	$1,600 [1]	$2,557 [2]	...	...	...

[1] Includes $28,000 in interest income earned.

[2] As of May 31, 1984.

The FY 1983 operating revenue forecast was made without benefit of actual experience. The total revenue earned was eighty six percent (86%) of the forecasted revenue. The relatively small number of national shows booked in FY 1983 was the primary reason for the fourteen percent (14%) revenue short fall.

Actual experience in FY 1983 and more importantly FY 1984 has led to a revised five year revenue forecast that should more accurately reflect income anticipated from the typical mix of national and local shows.

The Convention Center expects to earned $3,545,000 from the events held in FY 1984.

SENATOR SPECTER:

3. If the budget request of $2.4 Million to purchase kitchen equipment and leasehold improvements is denied, what would be the budget impact for fiscal year 1985 and subsequent years?

MR. DEMAREST:

3. A reduction of at least $500,000 in food service revenue in FY 1985 would be the immediate impact of denial of the kitchen purchase. Revenue foregone will increase every year the kitchen equipment purchase is delayed. Under the terms of the contractual agreement between the Convention Center and Waters/Sportservice, the Center currently receives 12.2 percent of all revenue received by Waters/Sportservice. The agreement also states that the Convention Center could reserve the option to purchase the equipment from the food service operator in subsequent years. After the equipment purchase option is exercised, the Center would then receive 25 percent of all revenue received. It is estimated that the rent received from the food service operator will more than offset the cost of the food service equipment over the ten-year life of the contract. The increment to food service revenue of 12.8 percent, with the kitchen purchase in FY 1985, is projected to recapture the initial investment of $2.4 million plus $.3 million within five years or by the end of FY 1989:

Fiscal Year	Projected Food Revenue 12.2 Percent	+	Projected Food Revenue 12.8 Percent	=	Projected Food Revenue 25 Percent
FY 1985	$ 500,000		$ 524,000		$1,024,000
FY 1986	508,000		533,000		1,041,000
FY 1987	518,000		544,000		1,062,000
FY 1988	528,000		555,000		1,083,000
FY 1989	540,000		567,000		1,107,000
TOTAL	$2,594,000		$2,723,000		$5,317,000

LOTTERY and CHARITABLE GAMES CONTROL BOARD

Senator Specter:
1. The Lottery Board will operate differently in fiscal year 1985 than it has in the past. How have those changes affected the budget request?

Mr. Gordon:
1. The fiscal year 1985 budget request for the Lottery and Charitable Games Control Board will provide the resources necessary to attain greater management control in the administration and operation of lottery games in the District of Columbia. Several activities which were previously contracted will be included in the fiscal year 1985 operations.

Senator Specter:
1a. Also explain the increase in dollars and positions requested?

Mr. Gordon:
1a. The increase in positions and dollars in personal services corresponds to the duties and functions of planned operational changes. The staff and funding adjustments are necessary as a result of self-administration of marketing, advertising and ticket distribution responsibilities previously contracted. The nine new positions and the realignment of the 70 base positions are reflective of the increased responsibilities. The increase in dollars in other than personal services is caused by inflationary pressures and prior year underfunding.

Senator Specter:
2. What is the ratio of administrative expenses to revenues and how does that compare to other lotteries and a national average?

Mr. Gordon:
2. The ratio of $3.5 million in administrative expenses to $113.4 million in revenues is approximately 3 percent. This figure compares favorably to other jurisdictions. However, it is difficult to find agreement and consistency in what constitutes administrative costs. In the absence of national industry standards, individual jurisdictions determine the composition of administrative expenses.

Senator Specter:
3. What are the actual revenues from fiscal year 1983 compared to original estimates?

Mr. Thomas:
3. The following actual revenues compared to original estimates in fiscal year 1983 were:

	FY 1983 Projections	FY 1983 Actual
Instant Lottery	$41,500,000	$50,462,549
Daily Numbers	41,500,000	3,588,308
Bingo Fees	50,000	7,970
Raffle Fees	50,000	2,230
Interest Income	-	285,126
Miscellaneous Income	-	10,201
Total	$83,100,000	$54,356,384
Net Transfer	$26,184,500	$12,003,500

Revenue generating efforts in FY 1983 were hampered due to several major unforeseen incidents. The award of a contract for the On-Line games was delayed because of litigation. This resulted in the resolicitation of the contract. Start-up was further delayed by a telephone strike which halted the installation of terminals. Sales of $54.4 million were generated and $12.0 million was transferred to the General Fund in FY 1983.

Senator Specter:
3a. Also please provide the same information for 1984 to date and the expected 1985 revenues? Please explain any differences.

Mr. Thomas:
3a. Actual revenues compared to the original estimates for fiscal year 1984, along with revised projections and expected fiscal year 1985 revenues appear as follows:

	FY 1984 Original Projections	FY 1984 Revised Projections	FY 1984 Year-To-Date (Thru 5/84)
Instant Lottery	$ 39,165,200	$20,989,900	$11,623,920
Daily Numbers	92,254,300	66,727,800	40,550,326
Lotto	8,300,000	4,720,000	515,794
Bingo Fees	50,000	10,000	5,080
Raffle Fees	50,000	10,000	2,620
Interest Income	100,000	300,000	260,183
Miscellaneous Income	-	278,600	134,154
Total	$139,919,500	$93,036,300	$53,092,077
Net Transfer	$42,510,000	$28,205,900	$15,220,672

Revenue projections have been revised for FY 1984. The revenue forecast has been reduced, which effectively lowers the net transfer to $28.2 million. The reduction can be attributed to: delays in terminal installations for the Daily Numbers game; administering three Instant Lottery games instead of the scheduled four; a six percent increase in prize liability with a corresponding increase in agent commissions; and required accounting and computer changes resulting from assuming activities and responsibilities previously contracted.

	FY 1985 Projections
Instant Lottery	$ 25,380,000
Daily Numbers	72,988,000
Bingo Fees	10,000
Raffle Fees	10,000
Interest Income	300,000
Total	$113,430,000
Net Transfer	$39,909,000

The fiscal year 1985 revenue estimates were based on current games during budget formulation and did not include projections for the most recent game Lotto. Revenue estimates will be revised later in the fiscal year 1984 to include Lotto. Gross revenues of $113.4 million in fiscal year 1985 is not expected to change.

D.C. GENERAL HOSPITAL COMMISSION

SENATOR SPECTER:
1. The total budget for the Hospital increased by less than 4.0 percent. How has this been accomplished?

MR. JOHNSON:
1. The increase of only 3.5 percent in the Hospital's expenditures from FY 1984 to FY 1985 is due principally to a strong program of cost containment, and that the FY 1985 budget does not include a pay adjustment.

SENATOR SPECTER:
2. What is the Hospital's patient to staff ratio and how does that compare to other hospital's in the District?

MR. JOHNSON:
2. D.C. General's average daily census for FY 1985 is projected to be at 355 including new borns. This is based on 129,500 in-patient days. We are also estimating the Hospital's outpatient and emergency room visits to be over 200,000. For providing services to these inpatients, outpatients, and emergency care patients, the Hospital is projecting a staffing of 2,273 FTE's (full-time equivlent positions). This includes physicians, house staff (interns, residents, and fellows), staff needed to provide non-patient care services to other District agencies, which other hospitals do not have in their expenses. When appropriate adjustment is made in the Hospital's gross staffing for outpatients, emergency patients, physicians, house staff, and employees required for non-patient care services to other District agencies, we are left with 1,374 FTE's for providing care to the Hospital's in-patients occupying 355 beds. This means an average in-patient occupied beds to staff ratio of 3.87. This is comparable with other hospitals in the District.

OFFICE OF CABLE TELEVISION

SENATOR SPECTER:
1. How will this office be financed and what are its responsibilities?

MR. MAULSBY:
1. The office will be financed by a 5 percent franchise fee on the gross revenues of the District's cable operator. The office has day-to-day oversight of the construction and operation of the District's cable system. In addition, the office manages the six municipal channels owned by the District as part of the system. It also encourages use of the public access channels by the widest range of community groups possible, resolves disputes between subscribers and the franchisee, prepares an annual report for the District Council and makes recommendations for changes in the franchise agreement and the District's cable law.

SENATOR SPECTER:
2. Is this office to be permanent or will it be closed once a cable operator is selected and begins providing service?

MR. MAULSBY:
2. It is a permanent office.

SENATOR SPECTER:
3. What are the goals for fiscal year 1985?

MR. MAULSBY:
3. The goals for fiscal year 1985 include: the negotiation of a satisfactory franchise agreement between the District and the cable operator, overseeing and facilitating the initial construction phase of the system, working with other District government agencies to determine the best use of the municipal channels; providing assistance in setting up the Public Access Corporation that will manage the public access channels; promoting the benefits of cable television to the citizens of the District; and establishing procedures and rules for resolving disputes between the franchisee and subscribers to the system.

CONCLUSION OF HEARINGS

Senator SPECTER. Thank you all very much. That concludes the hearings. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 10 a.m., Thursday, July 26, the hearings were concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

Page
Atkin, Bertha N., president, Friends of Forest Haven, prepared statement 229

Barrett, Paul, special assistant to U.S. attorney 407
Barry, Hon. Marion S., Jr., Mayor, District of Columbia 1, 73, 83, 285
  Prepared statement 99, 287
  Letter from 313
Batleman, Joseph, president, Glenberry Corp 180
Bostrom, David W., captain, Metropolitan Police Department Youth Division 355
Boyd, Robert, member, District of Columbia Board of Education 336
Burns, Dr. R. Stanley, senior staff neurologist, National Institute of Mental Health 264

Clark, Richard W., executive assistant to the chairman, Council of the District of Columbia 386
  Prepared statement 387
Clarke, Hon. David A., chairman, District of Columbia City council 285
  Prepared statement 299
  Letter from 332
Coffey, Dr. Osa, Correctional Education Association 1
Coleman, T.R., fire chief, D.C. Fire Department, letter from 195
Cox, Kenneth, executive board, Firefighters Association 109

Devine, John P., former assistant fire chief, D.C. Fire Department 109
  Prepared statement 134
diGenova, Joseph, U.S. attorney for the District of Columbia 23, 68, 407

Eaton, David H., president, District of Columbia Board of Education 336
  Prepared statement 337

Ferrell, H. Albion, member, Board of Parole 53
Frain, J. George, concerned citizen 202
  Prepared statement 204
Frazier, Mrs. M., concerned citizen, prepared statement 201

Gibson, John L., member, Board of Parole 53
Golightly, William D., Assistant Director for Administration 1, 83
Grassley, Hon. Charles, U.S. Senator from Iowa 325, 371
  Prepared statement 326

Hagstead, Michael, chief of budget data and analysis, Department of Corrections 83
Hall, R. David, chairman, finance committee, District of Columbia Board of Education 336
Hlebanja, Cecilia M., concerned citizen, prepared statement 200

Page
Horsky, Charles A., president, Council for Court Excellence 159
  Prepared statement 162
Hume, John P., principal assistant U.S. attorney for the District of Columbia 23, 68

Immer, John, concerned citizen 188
  Prepared statement 191

Just, Bernice, chairperson, D.C. Board of Parole 23, 53, 407
  Prepared statement 33, 55

Kinlow, Eugene, member, District of Columbia Board of Education 336
Krakoff, David, chief, Chornic Defendants Division 407

Labat, Margaret G., assistant director for education, D.C. Department of Corrections 73, 83
Len, Ms. L, concerned citizen 188
  Prepared statement 198
Levitas, Hon Elliott H., U.S. Representative from Georgia 376
  Prepared statement 377

Mack, Gladys, director, Office of Policy and Program Evaluation 1, 407
Maiden, Leonard A., deputy chief, Metropolitan Police Department Youth Division 355
  Prepared statement 356
McKenzie, Floretta Dukes, superintendent, District of Columbia Public Schools 336
  Prepared statement 340
Meek, Paul, executive director, International Parlimentary Group for Human Rights in the Soviet Union 395
  Prepared statement 396
Mould, William E., president, Firefighters Association 109
  Prepared statement 113
Moultrie, Hon. H. Carl, I, chief judge, Superior Court of the District of Columbia, prepared statement 238
Moynihan, Hon. Daniel, U.S. Senator from New York 325
  Prepared statement 334
Mulliken, William L., deputy fire chief, memorandum from 127

Newman, Hon. Theodore R., Jr., chief judge, D.C. Court of Appeals 231
  Prepared statement 234

Palmer, James, director, D.C. Department of Corrections 1, 73, 83
  Prepared statement 84
Palmer, Robie M.H., Deputy Assistant Secretary of State for European and Canadian Affairs, U.S. Department of State 399
  Prepared statement 403
Parris, Hon. Stan, U.S. Senator from Virginia, prepared statement 222
Polansky, Larry P., executive officer, D.C. Courts 231
  Prepared statement 254

Reardon, Timothy J., III, Special Assistant to U.S. Attorney 407
Republicans for a Better D.C., letter from 194
Reveal, Betsy, director, Office of Budget 285
Rice, William, coordinator, Greater Washington Organizations for Government Funding of social Services 205
  Prepared statement 208
Riordan, Tim, executive assistant U.S. attorney for the District of Columbia 68

Page

Ross, Edward, director, Superior Court Operations ... 407

Savitz, James E., representative for Glenberry Corp., prepared statement ... 183
Schneider, Pauline A., director, Office of Intergovernmental Relations ... 373
Semyonov, Liza Alexeyeva ... 393
Siegel, Richard, budget director for Council of the District of Columbia ... 285
Simons, William H., president, Washington Teachers' Union ... 103
    Prepared statement ... 106
Specter, Hon. Arlen, U.S. Senator from Pennsylvania, submitted questions ... 280, 423

Tippett, Thomas, executive board, Firefighters Association ... 109

Ugast, Hon. Fred, presiding judge, criminal division, Superior Court of the District of Columbia ... 264, 407

van den Toorn, William H., Capitol Hill Restoration Society ... 173
    Prepared statement ... 176

Washburn, Wanda, member, District of Columbia Board of Education ... 336
Weilenmann, Richard A., artistic director, Washington Civic Opera, prepared statement ... 224
Welsh, William B., director of legislation, American Federation of State, County, and Municipal Employees ... 141
    Prepared statement ... 144
West, Dr. John Hamilton, president, District of Columbia Action for Foster Children ... 166
    Prepared statement ... 169
Wilson, Shirley, director of criminal justice plans and analysis ... 407

SUBJECT INDEX

DISTRICT OF COLUMBIA

ANDREI SAKHAROV AVENUE

Page
American foreign service officers, harassment of 399
Andrei Sakharov, reasons for recognizing 381
Backlash of naming street after Sakharov 330
Changing of name by the District 391
District's nonsupport of renaming street 375
Exception to 2-year rule 392
Grid and nongrid streets, requirements of 374
Home rule issue, organization's view of 398
House report, language in 384
Infringing on rights of local self-government 333
Law regarding the naming of District streets 374
Maps and postal address, proposal to change 383
Opposition to legislation 373
Renaming street an impairment of dignity of a foreign mission 400
S. 2743, support for 397
Sakharov Institute for Peace and Human Rights 402

BOARD OF EDUCATION

Budget, summary of 346
Merit pay, concept of 352
Physical plant, maintenance of 347
Teacher incentive study 351
Teacher salaries:
    Adequacy of 348
    Adequate funding for 351
    Comparability of 348
    Relationship to quality education 350
    Salary range for teachers 349
Test performance by students 350
Truancy:
    Addressing problem of truancy and crime 364
    Attendance rates 366
    Budget requested 369
    Case history of a truant 362
    Correlation with delinquency 361
    Correlation with prostitution 366
    Police department's pilot project 362
    Problems posed by 355
    Relationship to crime 364
    Role of school system 363
    School programs to combat 367

BOARD OF PAROLE

Page
Additional funds, need for 69
Adequate communication, need for 68
Board decisions, questioning of 29
Case No. 179607 44
Case No. 197789 62
  Prior record of 65
Criminal initiative funding, status report of 76
Current prison population 75
District's prison population, distinction of 75
Educational program 77
  Number of persons in 77
  Substantial improvements in 74
Establishing a justice board 73
Final revocation hearing 409
  Authority to set 410
  Change in rule of the court 410
  Defendant's rights 411
  Importance of implementing 411
  Time to establish 410
Hearings, pursuing cases at 45
Information regarding specific cases 45
January 1983, persons paroled in 61
John Erby, case of 25
Leniency, question of 31
Parole:
  Additional funding for revocation 416
  Decisions pressured by overcrowding 47
  Expediting new rules 420
  Exploration of standards 79
  Initial review on 420
  Initiative of Mayor to revise rules 421
  Proper standards for 51
  Reconviction rate of persons on 46
  Resources needed to implement changes in 420
  Standard of proof to revoke 417
  Under the Youth Act 70
  Use of prison authorities' recommendation for 46
Parole Board:
  Knowledge of background 71
  Cases selected from list 27
  Report on the evaluation of procedures 413
Parolee's background, having prior knowledge of 66
Parolee, rearrest with evidence of drug useage 414
Placing inmates in the private sector 79
Presumptive parole date 64
Probable cause, preliminary hearing to determine 408
Releases, overcrowding responsible for 24
Resocialization 26
Spending moneys appropriated 78
Technical assistance from Federal Government 62
Technical violations:
  Most serious 49
  Definition of 50
Testing inmates, results of 76
Work release program 25

COURT SYSTEM

Page

- Arrest and trial:
  - Longest period between ... 258
  - Timetable of cases between ... 258
- Backlog of cases ... 257
- Child abuse and child molestation, extensiveness of ... 267
- Child witness, youngest age of ... 266
- Corroboration for sex offenses ... 265
- District having jurisdiction over title XI cases ... 259
- Intermediate appellate court, need for ... 260
- Mandatory arbitration, need for ... 261
- Other areas requiring assistance ... 263
- PCP (phencyclidine):
  - Abuse liability ... 271
  - Anaesthetic for animals ... 271
  - As an illicit drug ... 270
  - Availability of ... 271
  - Comparative use of types of drugs ... 273
  - Concentration placed on distributors ... 278
  - Definition of ... 270
  - Judicial system combating use of ... 274
  - Never approved by FDA ... 270
  - Persons on parole using ... 274
  - Revocation of parole for use of ... 274
  - Use of LSD ... 273
  - Worse than LSD ... 272
- Pretrial diversion program ... 262
- Recommendations for changing system ... 263
- Seven new judges, cost of ... 251
  - Delay in getting ... 252
- Total resources needed to do adequate job ... 259
- Uncorroborated testimony of child, conviction on ... 268

DEPARTMENT OF CORRECTIONS

- Additional jail facilities in the District ... 12
- Apprenticeship program, number of inmates in ... 93
- Capital outlay funding, use of ... 90
- Citizen involvement in reducing crime ... 97
- Comparisons with Philadelphia ... 19
- Concerns about security of facilities ... 97
- Construction, use of funds for ... 8
- Counselors in program, number of ... 10
- Criminal initiative funds, expenditure of ... 87
- Criminal justice funding, balance of ... 89
- Criminal justice initiative ... 7
- Current incarcerated population ... 2
- D.C. jail, capacity of ... 15
- Education program, goal for ... 85
- Educational and vocational funds, expenditure of ... 4
- Educational program:
  - Amount of funds spent for ... 91
  - Delays in starting ... 3
  - Development of ... 3
  - Overview of ... 2
- Federal Government and private sector, involvement of ... 101
- Federal institutions, remanding prisoners to ... 15
- Females versus male incarceration ... 4
- Finding employers to hire ex-offenders ... 96

Page
Funding for vocational and educational programs, emphasis of ... 94
Funding needed to train all inmates ... 93
Funds spent ... 6
Inmate population per resident population, comparison of ... 18
Instruction in a learning setting ... 86
Jail population, stabilization of ... 97
Job skills for 3,400 residents ... 94
Job-readiness program for females ... 5
    Goals of ... 5
Lorton:
    Capacity at ... 16
    Correction of capacity numbers ... 19
    Educational provisions for inmates ... 85
    Number of persons at ... 85
Operating costs, use of funds for ... 9
People hired, number of ... 6
Persons tested, number of ... 2
Pretrial detention, dangerousness a factor in ... 14
Prison industries program, funding for ... 87
Security measures, funding spent for ... 90
Security officers hired, number of ... 88
    Need for additional ... 88
Security programs, funding for ... 88
Sentencing based on overcrowding ... 18
Training programs, emphasis of ... 96
Urinalysis tests given to inmates ... 98
Vocational training programs ... 91
    Number of inmates in ... 92
Ward centers program ... 102

OFFICE OF THE MAYOR

Bates Street project ... 309
    Disbursements of funds for ... 319
CHADHA problems ... 322
Convention Center:
    Debt service of ... 310
    Hotels around ... 311
Corrections area, progress in ... 295
Court system:
    Efficiency of ... 318
    Problems of ... 311
Development in the District ... 296
Discretionary and nondiscretionary areas ... 295
District's capacity for investigating wrongdoings ... 320
Fire stations and shortage of supplies ... 307
Fiscal year 1985 budget, highlights of ... 293
Funding level for school board, agreement on ... 294
Merit pay for teachers ... 308
Other concerns of the committee ... 309
Refining budget process ... 294
Resolving the medicaid problem ... 294
Serious problem with drugs ... 296
St. Elizabeths issue ... 306

○